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Letter dated 23 April 1999 from the Secretary-General addressed to the President of the General Assembly

I have the honour to transmit herewith the executive summary, conclusions and recommendations of the report of the Commission for Historical Clarification (see annex). The Commission carried out its mandate in accordance with the terms of the Agreement on the Establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence that have Caused the Guatemalan Population to Suffer (A/48/954–S/1994/751, annex II), signed in Oslo on 23 June 1994 between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca.

The report contains the findings of the investigations carried out by the Commission on human rights violations and acts of violence that have caused the Guatemalan population to suffer, in connection with the armed conflict. The specific recommendations formulated by the Commission are directed at encouraging peace and national harmony in Guatemala and, in particular, at preserving the memory of the victims, fostering a culture of mutual respect and observance of human rights and strengthening the democratic process.

In accordance with the procedure established in the Oslo agreement, the report was handed over to the parties and to the Secretary-General at a public ceremony in Guatemala City on 25 February 1999. I was represented on that occasion by Alvaro de Soto, Assistant Secretary-General for Political Affairs, who read my statement and received the report on my behalf.

The Commissioners requested me to lend my support, through the United Nations Verification Mission in Guatemala (MINUGUA) and within the framework of the Mission's mandate, so that the recommendations may be implemented and may achieve their objectives. As part of my regular reporting to the General Assembly on the implementation of the Guatemalan Peace Agreements, I will inform Member States of progress in the implementation of the Clarification Commission's recommendations, which is being closely followed by MINUGUA.

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I should be grateful if you would bring this information to the attention of the members of the General Assembly.

(Signed) Kofi A. **Annan**

Annex

GUATEMALA MEMORY OF SILENCE

Prologue

Guatemala is a country of contrasts and contradictions. Situated in the middle of the American continent, bathed by the waters of the Caribbean and the Pacific, its inhabitants live in a multiethnic, pluricultural and multilingual nation, in a State which emerged from the triumph of liberal forces in Central America. Guatemala has seen periods marked by beauty and dignity from the beginning of the ancient Mayan culture to the present day; its name has been glorified through its works of science, art, and culture; by men and women of honour and peace, both great and humble; by its Nobel Laureates for Literature and Peace. However, in Guatemala, pages have also been written of shame and infamy, disgrace and terror, pain and grief, all as a product of the armed confrontation among brothers and sisters. For more than 34 years, Guatemalans lived under the shadow of fear, death and disappearance as daily threats in the lives of ordinary citizens.

The Commission for Historical Clarification (CEH) was established through the Accord of Oslo on 23 June 1994, in order to clarify with objectivity, equity and impartiality, the human rights violations and acts of violence connected with the armed confrontation that caused suffering among the Guatemalan people. The Commission was not established to judge – that is the function of the courts of law – but rather to clarify the history of the events of more than three decades of fratricidal war.

When we were appointed to form the CEH, each of us, through different routes and all by life's fortune, knew in general terms the outline of events. As Guatemalans, two of us had lived the entire tragedy on our native soil, and in one way or another, had suffered it. However, none of us could have imagined the full horror and magnitude of what actually happened.

The Commission's mandate was to provide an answer to questions that continue to be asked in peacetime: why did part of society resort to armed violence in order to achieve political power? What can explain the extreme acts of violence committed by both parties - of differing types and intensities – in the armed confrontation? Why did the violence, especially that used by the State, affect civilians and particularly the Mayan people, whose women were considered to be the spoils of war and who bore the full brunt of the institutionalised violence? Why did defenceless children suffer acts of savagery? Why, using the name of God, was there an attempt to erase from the face of the earth the sons and daughters of Xmukane', the grandmother of life and natural creation? Why did these acts of outrageous brutality, which showed no respect for the most basic rules of humanitarian law, Christian ethics and the values of Mayan spirituality, take place?

We received thousands of testimonies; we accompanied the survivors at such moving moments as the exhumation of their loved ones from clandestine cemeteries; we listened to former heads of State and the high command of both the Army and the guerrillas; we read thousands of pages of documents received from a full range of civil society's organisations. The Commission's Report has considered all the versions and takes into account what we have heard, seen and read regarding the many atrocities and brutalities.

The main purpose of the Report is to place on record Guatemala's recent, bloody past. Although many are aware that Guatemala's armed confrontation caused death and destruction, the gravity of the abuses suffered repeatedly by its people has yet to become part of the national consciousness. The massacres that eliminated entire Mayan rural communities belong to the same reality as the persecution of the urban political opposition, trade union leaders, priests and catechists. These are neither perfidious allegations, nor figments of the imagination, but an authentic chapter in Guatemala's history.

The authors of the Accord of Oslo believed that, despite the shock the Nation could suffer upon seeing itself reflected in the mirror of its past, it was nevertheless necessary to know the truth and make it public. It was their hope that truth would lead to reconciliation, and furthermore, that coming to terms with the truth is the only way to achieve this objective.

There is no doubt that the truth is of benefit to everyone, both victims and transgressors. The victims, whose past has been degraded and manipulated, will be dignified; the perpetrators, through the recognition of their immoral and criminal acts, will be able to recover the dignity of which they had deprived themselves.

Knowing the truth of what happened will make it easier to achieve national reconciliation, so that in the future Guatemalans may live in an authentic democracy, without forgetting that the rule of justice as the means for creating a new State has been and remains the general objective of all.

No one today can be sure that the enormous challenge of reconciliation, through knowledge of the truth, can be successfully faced. Above all, it is necessary to recognise the facts of history and learn from the Nation's suffering. To a great extent, the future of Guatemala depends on the responses of the State and society to the tragedies that nearly all Guatemalans have experienced personally.

The erroneous belief that the end justifies the means converted Guatemala into a country of death and sadness. It should be remembered, once and for all, that there are no values superior to the lives of human beings, and thereby superior to the existence and well-being of an entire national community. The State has no existence of its own, but rather is purely an organisational tool by which a nation addresses its vital interests.

Thousands are dead. Thousands mourn. Reconciliation, for those who remain, is impossible without justice. Miguel Angel Asturias, Guatemala's Nobel Laureate for Literature, said: "The eyes of the buried will close together on the day of justice, or they will never close."

With sadness and pain we have fulfilled the mission entrusted to us. We place the CEH's Report, this Memory of Silence, into the hands of every Guatemalan, the men and women of yesterday and today, so that future generations may be aware of the enormous calamity and tragedy suffered by their people. May the lessons of this Report help us to consider, hear and understand others and be creative as we live in peace.

Christian Tomuschat

Otilia Lux de Cotí

Alfredo Balsells Tojo

Acknowledgements

The Commission for Historical Clarification wishes to express a sincere tribute to the people of Guatemala, to the victims of the violence of the past, to their relatives, to the witnesses, to so many people who, through their own personal initiative and with the purpose of contributing to national reconciliation through the clarification of history, have come to the CEH and placed their trust in us. Without them, without their help, support and trust, our delicate task would have been difficult to complete. Their continuous support has motivated and inspired us.

The two Parties to the Accord of Oslo, the Government of the Republic of Guatemala and the Guatemalan National Revolutionary Unity, created and facilitated conditions, particularly with the Government's financial contribution, for the establishment of the CEH and the fulfilment of its mandate. Whenever asked, the Congress of the Republic facilitated the adequate operation of the CEH. The judiciary responded positively and took us into proper account.

From the preparatory phase of the CEH's installation, various Guatemalan human rights organisations made extremely valuable contributions to the CEH's work. In general, the organisations of Guatemalan civil society, including those working for with human rights, victims, indigenous peoples, women's rights and various other concerns, as well as the private sector and professional associations, lent their continuous support to the work entrusted to this Commission.

The national and international media fulfilled, in exemplary fashion, their function to inform, having followed the CEH's work with the utmost attention and respect. This allowed Guatemalan society to keep abreast of each advance made by the CEH and to receive the many notifications and conveyances addressed to it.

Without the political and moral support and the financial contributions of the international community, the CEH would not have been able to complete its complex task. The governments of Austria, Belgium, Canada, Denmark, Germany, Italy, Japan, the Netherlands, Norway, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the European Union contributed the funds allowing the Commission to cover its budget. The government of the United States of America also made a significant effort to declassify vital documents. The Government of Argentina lent vital support to the CEH as well. The Embassy of Norway in Guatemala deserves special mention for its continuous attention to and action regarding the needs of the Commission.

The CEH would like to express its greatest appreciation to the Secretary-General of the United Nations, who, responding to the request made by the Parties in the Accord of Oslo, made all the necessary arrangements to prepare for the operation of the Commission and establish an appropriate mechanism through the Department of Political Affairs, which enabled the United National Office for Project Services to establish the CEH Support Office as one of its projects. UNOPS has demonstrated extraordinary capacity and flexibility in the management of a project of such complexity.

The United Nations System also contributed experts and materials that helped offset the financial needs. The Secretary-General of the United Nations, the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), UNOPS, the United Nations Development Programme (UNDP) and the International Criminal Tribunal for the former Yugoslavia all contributed by lending experts to the

Commission. The United Nations Verification Mission in Guatemala (MINUGUA) provided vital logistical support for the Commission's work.

The international NGOs helped the Commission from the moment of its inception, offering technical assistance, directly facilitating the gathering of information by serving as an important channel in its acquisition, making the Commission's work known and making valuable efforts to obtain information from other governments. The American Association for the Advancement of Science through the appointment of an expert; the Ford Foundation with a financial contribution; and the Soros-Guatemala Foundation through the loan of vehicles, significantly helped the Commission's work.

The members of the CEH would never have been able to fulfil the mandate without the enormous effort of all the personnel working in the Support Office, under the supervision of the Executive Secretary. All personnel, the Central Team, those responsible for the numerous regional offices, the investigators, analysts, interpreters, administrators and various other assistants, from Guatemala and from thirty-one other nations, have supported us with their admirable commitment and generous dedication, frequently working in difficult conditions and under permanent pressure.

To everyone, thank you!

Introduction

The CEH's Report has been structured in accordance with the objectives and terms of the mandate entrusted to it by the Parties to the Guatemalan peace process as expressed in the Accord of Oslo, signed in Norway, on 23 June 1994.

The Report begins with a description of the mandate and the methodology it followed in carrying out its work, and subsequently enters into an examination of the causes and origins of the internal armed confrontation, the strategies and mechanisms of the violence and its consequences and effects. The conclusions are then presented and are followed by recommendations, the third component of the CEH's mandate. Finally, there are annexes that include the findings on specific illustrative cases of the events of the past; a listing with a brief description of each and every case presented to the Commission; and various other elements utilised in the fulfilment of the mandate.

This volume, whose purpose is to anticipate the public dissemination of the final document, contains two of the Report's essential elements: the conclusions and the recommendations.

The conclusions summarise the results of almost a year of investigation and are based on testimonies received directly by the CEH, together with a wealth of information from the Parties to the confrontation, other governments and a variety of secondary sources. These were complemented by historical analysis and statistical information from the CEH's database.

The conclusions are structured in three complementary sections: general conclusions, conclusions regarding acts that constitute violations of human rights and acts of violence and conclusions related to the process of peace and reconciliation. To aid understanding, there are also annexes relating to the conclusions which include: a chronology of the governments of Guatemala and of the armed confrontation, basic maps and statistical information.

As established by the CEH's mandate, the objective of the recommendations is to promote peace and national harmony in Guatemala. These recommendations have been structured as: measures to preserve the memory of the victims, measures to foster a culture of mutual respect and observance of human rights, measures for the strengthening of the democratic process and measures for the promotion of peace and national harmony. Recommendations for reparations are included among those measures to preserve the memory of the victims.

Conclusions

I. The tragedy of the armed confrontation

1. With the outbreak of the internal armed confrontation in 1962, Guatemala entered a tragic and devastating stage of its history, with enormous human, material and moral cost. In the documentation of human rights violations and acts of violence connected with the armed confrontation, the Commission for Historical Clarification (CEH) registered a total of 42,275 victims, including men, women and children. Of these, 23,671 were victims of arbitrary execution and 6,159 were victims of forced disappearance. Eighty-three percent of fully identified victims were Mayan and seventeen percent were Ladino.[1]

2. Combining this data with the results of other studies of political violence in Guatemala, the CEH estimates that the number of persons killed or disappeared as a result of the fratricidal confrontation reached a total of over 200,000.

Historical roots of the armed confrontation

3. The Commission for Historical Clarification (CEH) concludes that the structure and nature of economic, cultural and social relations in Guatemala are marked by profound exclusion, antagonism and conflict – a reflection of its colonial history. The proclamation of independence in 1821, an event prompted by the country's elite, saw the creation of an authoritarian State which excluded the majority of the population, was racist in its precepts and practises, and served to protect the economic interests of the privileged minority. The evidence for this, throughout Guatemala's history, but particularly so during the armed confrontation, lies in the fact that the violence was fundamentally directed by the State against the excluded, the poor and above all, the Mayan people, as well as against those who fought for justice and greater social equality.

4. The anti-democratic nature of the Guatemalan political tradition has its roots in an economic structure, which is marked by the concentration of productive wealth in the hands of a minority. This established the foundations of a system of multiple exclusions, including elements of racism, which is, in turn, the most profound manifestation of a violent and dehumanising social system. The State gradually evolved as an instrument for the protection of this structure, guaranteeing the continuation of exclusion and injustice.

5. The absence of an effective state social policy, with the exception of the period from 1944 to 1954, accentuated this historical dynamic of exclusion. In many cases, more recent State policy has produced inequality, or, at the very least, endemic institutional weaknesses have accentuated it. Proof of this can be seen in the fact that, during the twenty years of Guatemala's most rapid economic growth (1960-1980), state social spending and taxation were the lowest in Central America.

6. Due to its exclusionary nature, the State was incapable of achieving social consensus around a national project able to unite the whole population. Concomitantly, it abandoned its role as mediator between divergent social and economic interests, thus creating a gulf which made direct confrontation between them more likely. Of particular concern for the CEH, was the way in which successive constitutions of the Republic, and the human and civil rights guarantees set forth in them, became formal instruments violated by the various structures of the State itself.

7. The legislative branch and the participating political parties also contributed at various times to the increasing polarisation and exclusion, establishing legal norms which

legitimised regimes of exception and the suppression of civil and political rights, as well as hindering or obstructing any process of change. Appropriate institutional mechanisms for channelling concerns, claims and proposals from different sectors of society were lacking. This deficit of channels for constructively directing dissent through mediation, typical of democratic systems, further consolidated a political culture of confrontation and intolerance and provoked almost uninterrupted instability, permeating the whole social order.

8. Thus a vicious circle was created in which social injustice led to protest and subsequently political instability, to which there were always only two responses: repression or military coups. Faced with movements proposing economic, political, social or cultural change, the State increasingly resorted to violence and terror in order to maintain social control. Political violence was thus a direct expression of structural violence.

Repression as a substitute for the law

9. The CEH has concluded that during the armed confrontation, the incapacity of the Guatemalan State to provide answers to legitimate social demands and claims, led to the creation of an intricate repressive apparatus which replaced the judicial action of the courts, usurping their functions and prerogatives. An illegal and underground punitive system was established, managed and directed by military intelligence. The system was used as the State's main form of social control throughout the internal armed confrontation and operated with the direct or indirect collaboration of dominant economic and political sectors.

The ineffectiveness of the judicial system

10. The country's judicial system, due either to induced or deliberate ineffectiveness, failed to guarantee the application of the law, tolerating, and even facilitating, violence. Whether through acts of commission or omission, the judicial branch contributed to worsening social conflicts at various times in Guatemala's history. Impunity permeated the country to such an extent that it took control of the very structure of the State, and became both a means and an end. As a means, it sheltered and protected the repressive acts of the State, as well as those acts committed by individuals who shared similar objectives; whilst as an end, it was a consequence of the methods used to repress and eliminate political and social opponents.

The closing of political spaces

11. After the overthrow of the government of Colonel Jacobo Arbenz in 1954, there was a rapid reduction of the opportunity for political expression. Inspired by fundamentalist anti-communism, new legislation outlawed the extensive and diverse social movement and consolidated the restrictive and exclusionary nature of the political system. These restrictions on political participation were agreed to by the country's real powers and activated by the period's civil and political forces. In itself, this process constitutes one of the most overwhelming pieces of evidence for the close relationship between the military, the economic powers and the political parties that emerged in 1954. From 1963 onwards, in addition to the legal restrictions, growing state repression against its real or suspected opponents was another decisive factor in the closing of political options in Guatemala.

The underlying causes of the armed confrontation

12. The CEH concludes that other parallel phenomena, such as structural injustice, the closing of political spaces, racism, the increasing exclusionary and anti-democratic nature of institutions, as well as the reluctance to promote substantive reforms that could have reduced structural conflicts, are the underlying factors which determined the origin and subsequent outbreak of the armed confrontation.

The cold war, the National Security Doctrine and the role of the United States

13. The CEH recognises that the movement of Guatemala towards polarisation, militarization and civil war was not just the result of national history. The cold war also played an important role. Whilst anti-communism, promoted by the United States within the framework of its foreign policy, received firm support from right-wing political parties and from various other powerful actors in Guatemala, the United States demonstrated that it was willing to provide support for strong military regimes in its strategic backyard. In the case of Guatemala, military assistance was directed towards reinforcing the national intelligence apparatus and for training the officer corps in counterinsurgency techniques, key factors which had significant bearing on human rights violations during the armed confrontation.

14. Anti-communism and the National Security Doctrine (DSN) formed part of the anti-Soviet strategy of the United States in Latin America. In Guatemala, these were first expressed as anti-reformist, then anti-democratic policies, culminating in criminal counterinsurgency. The National Security Doctrine fell on fertile ground in Guatemala where anti-communist thinking had already taken root and from the 1930s, had merged with the defence of religion, tradition and conservative values, all of which were allegedly threatened by the world-wide expansion of atheistic communism. Until the 1950s, these views were strongly supported by the Catholic Church, which qualified as communist any position that contradicted its philosophy, thus contributing even further to division and confusion in Guatemalan society.

The internal enemy

15. During the armed confrontation, the State's idea of the "internal enemy", intrinsic to the National Security Doctrine, became increasingly inclusive. At the same time, this doctrine became the raison d'être of Army and State policies for several decades. Through its investigation, the CEH discovered one of the most devastating effects of this policy: state forces and related paramilitary groups were responsible for 93% of the violations documented by the CEH, including 92% of the arbitrary executions and 91% of forced disappearances. Victims included men, women and children of all social strata: workers, professionals, church members, politicians, peasants, students and academics; in ethnic terms, the vast majority were Mayans.

The Catholic Church

16. Only recently in Guatemalan history and within a short time period did the Catholic Church abandon its conservative position in favour of an attitude and practise based on the decisions of the Second Vatican Council (1962-1965) and the Episcopal Conference of Medellin (1968), prioritising its work with excluded, poor and under-privileged sectors and promoting the construction of a more just and equitable society. These doctrinal and pastoral changes clashed with counterinsurgency strategy, which considered Catholics to be allies of the guerrillas and therefore part of the internal enemy, subject to persecution, death or expulsion. Whereas the guerrilla movement saw in the practise of what was known as "liberation theology" common ground on which to extend its social base, seeking to gain the sympathy of its followers. A large number of catechists, lay activists, priests, and missionaries were victims of the violence and gave their lives as a testimony to the cruelty of the armed confrontation.

The Guatemalan insurgency, the armed struggle and the Cuban influence

17. The Guatemalan insurgency arose as the response of one sector of the population to the country's diverse structural problems. Faced with injustice, exclusion, poverty and discrimination, it proclaimed the need to take power by force in order to build a new social, political and economic order. Throughout the armed confrontation, insurgent groups adopted Marxist doctrine in its diverse international forms. Although they had common historical roots in the proscribed communist Guatemalan Worker's Party (PGT), several new guerrilla organisations emerged as a result of their criticism of the party's reluctance to follow the path of armed struggle.

18. The influence of Cuba and its promotion of armed struggle had a bearing on these processes as much in Guatemala as in the rest of Latin America. The CEH concludes that political, logistic, instructional and training support provided by Cuba for the Guatemalan insurgents during this period, was another important external factor that marked the evolution of the armed confrontation. In the context of an increasingly repressive State, sectors of the left, specifically those of Marxist ideology, adopted the Cuban perspective of armed struggle as the only way to ensure the rights of the people and to take power.

19. As state repression intensified and broadened its range of potential victims, the rebel position which held a guerrilla victory to be the country's only political solution, gained strength. Rather than sharing a specific ideological-political platform, for the greater part of the confrontation, the cohesion of the Guatemalan insurgency revolved around the idea of the need for, and the primacy of, armed struggle as the only solution.

20. During its investigation, the CEH has confirmed that the political work of the guerrilla organisations within the different sectors of society was increasingly directed towards strengthening their military capacity, to the detriment of the type of political activity characteristic of democratic sectors. Likewise, attempts by other political forces to take advantage of the limited opportunities for legal participation, were radically dismissed by some sectors of the insurgency as "reformist" or "dissident", whilst people who sought to remain distant from the confrontation were treated with profound mistrust and even as potential enemies. These attitudes contributed to political intolerance and polarisation.

Enemies of the insurgents

21. Along with a clear definition of the Army as its enemy, insurgent groups also included some civilians in this category, especially representatives of economic and political power who were considered to be allies of the repression and those people suspected of providing support to the Army, or who held local economic power, especially in rural areas. Among the cases registered by the CEH, insurgent actions produced 3% of the human rights violations and acts of violence perpetrated against men, women and children, including 5% of the arbitrary executions and 2% of forced disappearances.

More than just two parties

22. Although the most visible actors in the armed confrontation were the Army and the insurgents, the CEH investigation has made evident the involvement of the entire State, through the unification of its various coercive institutions and mechanisms. Likewise, although of a different nature, the responsibility and participation of economically powerful groups, political parties, universities and churches, as well as other sectors of civil society, has been demonstrated.

23. For this reason, the CEH concludes that a full explanation of the Guatemalan confrontation cannot be reduced to the sole logic of two armed parties. Such an interpretation fails to explain or establish the basis for the persistence and significance of the participation of the political parties and economic forces in the initiation, development and continuation of the violence; nor does it explain the repeated efforts at organisation and the continuous mobilisation of those sectors of the population struggling to achieve their economic, political and cultural demands.

A disproportionately repressive response

24. The magnitude of the State's repressive response, totally disproportionate to the military force of the insurgency, can only be understood within the framework of the country's profound social, economic and cultural conflicts. Based on the results of its investigation,

the CEH concludes that from 1978 to 1982 citizens from broad sectors of society participated in growing social mobilisation and political opposition to the continuity of the country's established order. These movements in some cases maintained ties of a varying nature with the insurgency. However, at no time during the internal armed confrontation did the guerrilla groups have the military potential necessary to pose an imminent threat to the State. The number of insurgent combatants was too small to be able to compete in the military arena with the Guatemalan Army, which had more troops and superior weaponry, as well as better training and co-ordination. It has also been confirmed that during the armed confrontation, the State and the Army had knowledge of the level of organisation, the number of combatants, the type of weaponry and the strategy of the insurgent groups. They were therefore well aware that the insurgents' military capacity did not represent a real threat to Guatemala's political order.

25. The CEH concludes that the State deliberately magnified the military threat of the insurgency, a practise justified by the concept of the internal enemy. The inclusion of all opponents under one banner, democratic or otherwise, pacifist or guerrilla, legal or illegal, communist or non-communist, served to justify numerous and serious crimes. Faced with widespread political, socio-economic and cultural opposition, the State resorted to military operations directed towards the physical annihilation or absolute intimidation of this opposition, through a plan of repression carried out mainly by the Army and national security forces. On this basis the CEH explains why the vast majority of the victims of the acts committed by the State were not combatants in guerrilla groups, but civilians.

Territorial concentration of military operations and their victims

26. Based on information analysed by the CEH, relevant differences in the territorial concentration of military operations and the type of victims can be confirmed, depending on the specific period of the armed confrontation. In the period from 1962 to 1970, operations were concentrated in the eastern part of the country, Guatemala City and the south coast, the victims being mainly peasants, members of rural union organisations, university and secondary school teachers and students and guerrilla sympathisers. In the years from 1971 to 1977, the repressive operations were more selective and geographically dispersed. Victims included community and union leaders, catechists and students.

27. During the most violent and bloody period of the entire armed confrontation, 1978-1985, military operations were concentrated in Quiché, Huehuetenango, Chimaltenango, Alta and Baja Verapaz, the south coast and the capital, the victims being principally Mayan and to a lesser extent Ladino. During the final period, 1986-1996, repressive action was selective, affecting the Mayan and Ladino population to a similar extent. The Communities of Population in Resistance were principal targets of military operations in rural areas.

Children

28. The CEH has confirmed with particular concern that a large number of children were also among the direct victims of arbitrary execution, forced disappearance, torture, rape and other violations of their fundamental rights. Moreover, the armed confrontation left a large number of children orphaned and abandoned, especially among the Mayan population, who saw their families destroyed and the possibility of living a normal childhood within the norms of their culture, lost.

Women

29. The CEH's investigation has revealed that approximately a quarter of the direct victims of human rights violations and acts of violence were women. They were killed, tortured and raped, sometimes because of their ideals and political or social participation, sometimes in massacres or other indiscriminate actions. Thousands of women lost their husbands, becoming widows and the sole breadwinners for their children, often with no material

resources after the scorched earth policies resulted in the destruction of their homes and crops. Their efforts to reconstruct their lives and support their families deserve special recognition.

30. At the same time, the CEH recognises the fact that women, the majority of them relatives of victims, played an exemplary role in the defence of human rights during the armed confrontation, promoting and directing organisations for relatives of the disappeared and for the struggle against impunity.

The Mayan population as the collective enemy of the State

31. In the years when the confrontation deepened (1978-1983), as the guerrilla support base and area of action expanded, Mayans as a group in several different parts of the country were identified by the Army as guerrilla allies. Occasionally this was the result of the effective existence of support for the insurgent groups and of pre-insurrectional conditions in the country's interior. However, the CEH has ascertained that, in the majority of cases, the identification of Mayan communities with the insurgency was intentionally exaggerated by the State, which, based on traditional racist prejudices, used this identification to eliminate any present or future possibilities of the people providing help for, or joining, an insurgent project.

32. The consequence of this manipulation, extensively documented by the CEH, was massive and indiscriminate aggression directed against communities independent of their actual involvement in the guerrilla movement and with a clear indifference to their status as a non-combatant civilian population. The massacres, scorched earth operations, forced disappearances and executions of Mayan authorities, leaders and spiritual guides, were not only an attempt to destroy the social base of the guerrillas, but above all, to destroy the cultural values that ensured cohesion and collective action in Mayan communities.

Racism as a component of violence

33. Through its investigation, the CEH also concludes that the undeniable existence of racism expressed repeatedly by the State as a doctrine of superiority, is a basic explanatory factor for the indiscriminate nature and particular brutality with which military operations were carried out against hundreds of Mayan communities in the west and north-west of the country, especially between 1981 and 1983 when more than half the massacres and scorched earth operations occurred.

Retreat of the guerrillas

34. The CEH has confirmed that the guerrillas applied a tactic of "armed propaganda" and temporary occupation of towns to gain supporters or demonstrate their strength; once they withdrew however, they left the communities defenceless and vulnerable. In many cases, communities were then attacked by the Army, with a very high civilian death toll, especially among the Mayan population. In some of the cases known to the CEH, whole villages were razed by state military forces just days after the insurgent groups withdrew. In these cases, although acknowledging the Army's clear and sole responsibility for the massive violations, the CEH is convinced that guerrilla actions had a bearing on the way these events occurred.

35. Faced with scorched earth operations and massacres, which were a part of the Army's strategy and the result of systematic planning, the guerrillas were unable to protect the people who had sympathised with their objectives or had supported them. This inability created a broad sense of abandonment, deception and rejection in these sectors.

Militarization

36. The CEH has confirmed that the militarization of the State and society was a strategic objective which was defined, planned and executed institutionally by the Guatemalan Army,

based on the National Security Doctrine and the institution's particular interpretation of the national reality. The process of militarization passed through different stages during the years of the armed confrontation. It began during the 1960s and 70s with the Army's domination of the structures of the executive branch. The Army subsequently assumed almost absolute power for half a decade during the 1980s, by penetrating all of the country's institutions, as well as its political, social and ideological spheres; in the final stage of the confrontation, it developed a parallel, semi-visible, low profile, but high impact, control of national life.

37. Militarization was one of the factors that provided the incentive for and fed the armed confrontation as it profoundly limited the possibilities for exercising rights as citizens. Subsequently, it became one of the most damaging consequences of the confrontation. Militarization became a pillar of impunity. Moreover, in a broad sense, it weakened the country's institutions, reducing their possibilities for functioning effectively and contributing to their loss of legitimacy, since for years people have lived with the certainty that it is the Army that retains effective power in Guatemala.

Military intelligence

38. Based on its investigation, the CEH also concludes that military intelligence structures in Guatemala played a decisive role in the militarization of the country. These structures assumed functions beyond those normally assigned to intelligence systems within the framework of the democratic rule of law, namely the systematisation and interpretation of information important to the country's security. Instead, the Guatemalan intelligence system became the driving force of a state policy that took advantage of the situation resulting from the armed confrontation, to control the population, the society, the State and the Army itself. This total domination was based on a political-military strategy and was put into practice using mechanisms which violated human rights, the Constitution and the laws of the Republic.

39. The CEH has confirmed that the control exercised by military intelligence depended not only on its formal structures, but also on an extensive network of informants who infiltrated social organisations, communities and various state institutions, thus giving it access to a vast quantity of information. Thus it was able to manage other structures of the Army and to manipulate the different interests and entities of the Guatemalan State and civil society. One of the objectives of incorporating intelligence operatives into state institutions was to multiply their informational resources and capacity for psychological warfare. At the same time, intelligence agents infiltrated social organisations where many activists subsequently became the victims of grave human rights violations.

40. The CEH's investigation has corroborated the involvement of military intelligence services in unconventional and irregular operations far removed from any legal order. Its illegal operations were secret, in both their preparation and execution. The purpose of these missions was to guarantee that the work remained covert, so that the intellectual and material perpetrators of the incidents could not be identified, to exonerate state agents of any responsibility and thereby to assure the ineffectiveness of any judicial or police investigation.

41. This clandestine activity was evident in the use of illegal detention centres or "clandestine prisons", which existed in nearly all Guatemalan Army facilities, in many police installations and even in homes and on other private premises. In these places, victims were not only deprived of their liberty arbitrarily, but they were almost always subjected to interrogation, accompanied by torture and cruel, inhuman or degrading treatment. In the majority of cases, the detainees were disappeared or executed. In a few cases detainees were set free, but no judicial procedure was followed. Sometimes, victims were forced to work illegally and secretly for the Army in exchange for their partial freedom. The occasions when a detainee was brought before a competent court were an exception.

The *Kaibiles*

42. The substantiation of the degrading contents of the training of the Army's special counter insurgency force, known as *Kaibiles*, has drawn the particular attention of the CEH. This training included killing animals and then eating them raw and drinking their blood in order to demonstrate courage. The extreme cruelty of these training methods, according to testimony available to the CEH, was then put into practice in a range of operations carried out by these troops, confirming one point of their decalogue: "The *Kaibil* is a killing machine."

A militarized police

43. The CEH concludes that the National Police and the Treasury Police, two important state security forces, also committed numerous and grave human rights violations during the armed confrontation. Beginning in the mid-1960s, these forces were subordinated to Army control, a situation that was maintained throughout the confrontation. Often acting under Army orders, the "Judicials", members of detective units and other plain-clothes police, became the principal agents of state terror in Guatemala City for a period of almost twenty years.

Terror

44. The CEH confirmed that throughout the armed confrontation the Army designed and implemented a strategy to provoke terror in the population. This strategy became the core element of the Army's operations, including those of a strictly military nature as well those of psychological nature and those that were called "development" operations.

45. The guerrilla organisations committed violent and extremely cruel acts, which terrorised people and had significant consequences. Arbitrary executions, especially those committed before relatives and neighbours, accentuated the already prevalent climate of fear, arbitrariness and defencelessness.

46. The State's use of terror intensified in Guatemala in 1966, when a process was initiated whose worst stages took place during the periods of maximum violence and whose epicentres were located in areas of most intense repression. A high proportion of the human rights violations known to the CEH and committed by the Army or security forces were perpetrated publicly and with extreme brutality, especially in the Mayan communities of the country's interior. Likewise, in considering the training methods of the Armed Forces, and especially the *Kaibiles*, the CEH concludes that extreme cruelty was a resource used intentionally to produce and maintain a climate of terror in the population.

47. The terror created was not just a result of the acts of violence or the military operations; it was also generated and sustained by other related mechanisms, such as impunity for the perpetrators, extensive campaigns to criminalise the victims and the forced involvement of civilians in the causal sequence leading up to the actual execution of atrocities. For these reasons, terror does not automatically disappear when the levels of violence decrease; on the contrary, there are cumulative and lasting effects, which, to overcome, require time, effort and the direct experience that things have changed.

48. The investigation has established that beyond the physical elimination of opponents, either alleged or real, state terror was applied to make it clear that those who attempted to assert their rights, and even their relatives, ran the risk of death by the most hideous means. The objective was to intimidate and silence society as a whole, in order to destroy the will for transformation, both in the short and long term.

Criminalisation of victims

49. The State also tried to stigmatise and blame the victims and the country's social organisations, making them into criminals in the public eye and thus into "legitimate" targets for repression. This was done by stripping them of their dignity as individuals, using fire and sword to teach them the lesson that the exercise of their rights as citizens could mean death. The CEH considers that this systematic indoctrination has profoundly marked the collective consciousness of Guatemalan society. Fear, silence, apathy and lack of political participation are some of the most important effects of having criminalised the victims, and present a serious obstacle to the active participation of all citizens in the construction of democracy.

Forced complicity in the violence

50. The CEH counts among the most damaging effects of the confrontation those that resulted from forcing large sectors of the population to be accomplices in the violence, especially through their participation in the Civil Patrols (PAC), the paramilitary structures created by the Army in 1981 in most of the Republic. The CEH is aware of hundreds of cases in which civilians were forced by the Army, at gun point, to rape women, torture, mutilate corpses and kill. This extreme cruelty was used by the State to cause social disintegration. A large proportion of the male population over the age of fifteen, especially in the Mayan communities, was forced to participate in the PAC. This deeply affected values and behavioural patterns, as violence became a normal method of confronting conflictive situations and promoted contempt for the lives of others.

Local arbitrary power

51. Of deep and special concern to the CEH is that this process created a sector of civilians who subsequently, as a result of their convictions, committed atrocities against their own neighbours and even against close relatives. An uncontrolled armed power was created, which was able to act arbitrarily in villages, pursuing private and abusive ends.

52. The coexistence of victims and perpetrators in the same villages reproduces the climate of fear and silence. For the victims, daily confrontation with their transgressors has kept the painful memory of their violation alive. The CEH has confirmed that, for fear of reprisals, a large number of people continue to remain silent about their past and present suffering, while the internalisation of traumas prevents the healing of their wounds.

Altered mourning and clandestine cemeteries

53. The testimonies received by the CEH bear witness to the wide range of circumstances which during the armed confrontation, prevented thousands of Guatemalans from observing the rites that normally accompany the death and burial of a person. This has caused deep and persisting anguish in those sectors of the population affected. Forced disappearance was the most pernicious practise in this sense, due to the uncertainty regarding the whereabouts or fate of the victim. Likewise, the climate of terror, the military presence, as well as other circumstances related to the massacres, to flight and to persecution in the mountains, often prevented the burial of the dead. For all cultures and religions in Guatemala, it is practically inconceivable that the dead not be given a dignified burial; this assaults everyone's values and dignity. For the Mayans, this is of particular importance due to their core belief in the active bond between the living and the dead. The lack of a sacred place where this bond can be attended is a serious concern that appears in testimonies from many Mayan communities.

54. The CEH has concluded that the existence of clandestine and hidden cemeteries, as well as the anxiety suffered by many Guatemalans as a result of not knowing what happened to their relatives, remains an open wound in the country. They are a permanent reminder of the acts of violence that denied the dignity of their loved ones. To heal these particular wounds

requires the exhumation of secret graves, as well as the definitive identification of the whereabouts of the disappeared.

Social effects of torture

55. The CEH concludes that the systematic use of torture resulted in two fundamental social problems: firstly, the formation and continuing presence in society of experts trained in the most efficient and deviant ways of applying pain to human beings to crush them physically and spiritually; secondly, the normalisation of the use of torture as something "normal" in the routine work of state military and police structures, especially among members of military intelligence structures, and the toleration of this by society and by judicial officials.

Impunity

56. The justice system, nonexistent in large areas of the country before the armed confrontation, was further weakened when the judicial branch submitted to the requirements of the dominant national security model. The CEH concludes that, by tolerating or participating directly in impunity, which concealed the most fundamental violations of human rights, the judiciary became functionally inoperative with respect to its role of protecting the individual from the State, and lost all credibility as guarantor of an effective legal system. This allowed impunity to become one of the most important mechanisms for generating and maintaining a climate of terror.

57. These factors combined to thwart the existence of the rule of law in Guatemala. Likewise, a deep-rooted scepticism developed in society regarding the value of improving Guatemala's legal system and of believing that the administration of justice system could be an effective option for the construction of a society of equally free and dignified individuals. Thus, one of the most challenging and complex tasks in the establishment of peace consists of restoring the basic system, making it available to and functional for all citizens, so that social groups as well as individuals may channel their demands and conflicts through competent state institutions.

The weakening of social organisations

58. The CEH has confirmed that during the armed confrontation, social organisations were an important target of the State's repressive action. Considered as part of the "internal enemy", hundreds of leaders and grassroots members of a wide spectrum of groups were eliminated. These actions left civil society weakened and still affect its full participation in Guatemala's political and economic debates. The loss of professionals, academics and researchers, the "creative powers" who died or went into exile, not only created a vacuum during a specific period of political and cultural history, but also resulted in the loss of an important part of the pedagogic and intellectual capacity to educate several future generations in Guatemala.

59. As well as repression and exile, the weakening and fragmentation of social organisations were largely due to the various mechanisms activated during the armed confrontation by the State to destroy them. These mechanisms continue to be present in the collective memory. Stigmatisation, fear, mistrust and the perception in some sectors that the signing of the peace accords has not yet changed the repressive State, are still obstacles which prevent the full participation of society, even though the process of peace and national reconciliation indicates an encouraging reversal of this tendency.

60. The participation by members of insurgent groups in social organisations also affected them, not only because it created one more reason for their repression, but also because in many cases it led to division, polarisation and serious in-fighting in the organisations, inevitably weakening them. The vertical structure that the insurgency brought to the social organisations in which it participated curtailed their freedom to make their own decisions,

suffocating their autonomy and exacerbating the effects of the State's repressive policies of dismantling the country's social and political opposition.

Curtailed freedom of speech

61. Freedom of speech goes hand in hand with the free exercise of civil rights. When opportunities for social and political participation are closed, then, implicitly, so are opportunities for freedom of speech. During the long period of armed confrontation, even thinking critically was a dangerous act in Guatemala, and to write about political and social realities, events or ideas, meant running the risk of threats, torture, disappearance and death. In exercising freedom of speech, citizens, writers, artists, poets, politicians and journalists were subject to the risks that repression and ideological polarisation imposed upon them. Although there were people who spoke out despite the risks, the large news agencies, in general, supported the authoritarian regimes through self-censorship and distortion of the facts. The price was very high, not only in the number of lives lost, but also because Guatemala became a country silenced, a country incommunicado.

Damage to the Mayan communities

62. The CEH concludes that the Mayan communities also became a military objective during the bloodiest years of the confrontation. In some regions and years, because of the terror and persecution, Mayans were obliged to conceal their ethnic identity, manifested externally in their language and dress. Militarization of the communities disturbed the cycle of celebrations and ceremonies, and concealment of their rituals became progressively more widespread. Aggression was directed against elements of profound symbolic significance for the Mayan culture, as in the case of the destruction of corn and the killing of their elders. These events had a serious impact on certain elements of Mayan identity and disturbed the transmission of their culture from generation to generation. Similarly, the culture was degraded through the use of Mayan names and symbols for task forces and other military structures.

63. Beginning in 1982, traditional Mayan authorities were generally substituted by delegates from the armed forces, such as military commissioners and PAC commanders. In other cases, the Army tried to control, co-opt and infiltrate the traditional Mayan authority structures. This strategy caused the rupture of both community mechanisms and the oral transmission of knowledge of their own culture, likewise damaging Mayan norms and values of respect and service to the community. In their stead, authoritarian practices and the arbitrary use of power were introduced.

64. The presence of the guerrillas also led to the displacement of traditional authorities and to a reduction of their power, especially through the establishment of their own authority structures, such as the Local Irregular Forces and the Local Clandestine Committees, which generated new leadership within the communities.

Massive forced displacement

65. Unprecedented terror, provoked by the massacres and the devastation of complete villages during the period 1981 to 1983, led to the flight en masse of a diverse population, the majority of which was Mayan, but which also included a considerable number of Ladino families, especially in the newly settled areas close to the Mexican border. The forced displacement of civilians in Guatemala stands out in the history of the armed confrontation because of its massive nature and its destructive force. It embodies the rupture of social fabric in its most direct and heart-rending form. Families and communities were fractured and cohesive cultural ties weakened.

66. Estimates of the number of displaced persons vary from 500,000 to a million and a half people in the most intense period from 1981 to 1983, including those who were displaced

internally and those who were obliged to seek refuge abroad. The variation in these figures reflects the changing nature of this displacement. About 150,000 people sought safety in Mexico. Almost a third of these settled in camps and were given refugee status by the United Nations High Commissioner for Refugees (UNHCR). Another 50,000 people lived as refugees dispersed throughout Chiapas, while the remainder settled in the Mexican capital or other Mexican cities. People also fled, though in far fewer numbers, into Honduras and Belize, as well as to the United States of America. However, all shared similar experiences: the loss of relatives and the destruction of their property, often the entire family heritage accumulated over generations, as well as the violent change in the course of their lives.

67. Through its investigation, the CEH has confirmed that those who fled were forced to move constantly while they remained in the country, mainly to evade military operations directed against them despite their being defenceless, and partly to search for food, water and shelter. Military persecution, being constantly on the move and the threat of death made their subsistence extremely difficult. Living exposed to the elements, malnutrition and the severe emotional traumas that resulted from having witnessed numerous atrocities, left people vulnerable, especially children and the elderly, a great number of whom died during the flight and displacement.

Militarised resettlement and the stigma of the displaced

68. From 1983 onwards, Army strategy towards the displaced population was designed to bring it under military control: amnesties were offered and those who accepted were resettled in highly militarised communities. The most important mechanisms for ensuring control of the resettlements were: the organisation of people in the PAC, the military appointment of the mayors and auxiliary mayors, the creation of the Interinstitutional Co-ordinators to ensure military control of state and social institutions at all jurisdictional levels, the expansion of the Army's Civil Affairs (S-5) activities that included psychological operations to "re-educate" the people and the construction of model villages in the most conflictive regions.

69. The CEH has confirmed that the stigmatisation by the State of the displaced population, in many cases, fomented and perpetuated divisions in their communities. In accusing the displaced people of being guerrillas or in spreading the message that they were responsible for the confrontation, their return to their places of origin was hindered and they were marginalised by those who had remained in these communities. For internally displaced persons detained during the course of military operations or those who gave themselves up to the authorities in order to return to their communities, the situation was even more complicated. Very often they were isolated for a time in special camps or in military bases, submitted to interrogation and to an intense re-education process.

The anonymity of displaced persons in Guatemala City

70. In the case of people who sought refuge in Guatemala City, the fear of being located and identified as a target of repression meant that they sought anonymity as a survival strategy, given that their place of origin, their name and even the lack of personal documents could have been reason to suspect them of ties to the insurgent movement.

Resistance and the identity of the displaced

71. The testimonies of the internally displaced received by the CEH reveal an attitude both of resistance to military control and in defence of life, not only in its physical sense, but also with regard to cultural and political identity. Resistance as astrategy to preserve identity took various forms, and in turn produced changes in that very identity. Interactions with other ethnic groups, inhabitants of the city, people from other countries, other educational systems and different natural environments, as well as the experience of persecution and death, transformed relationships that constitute this sense of identity, producing a Guatemalan

society marked by confrontation, but also potentially strengthened by its experience of diversity.

The economic costs of the armed confrontation

72. Based on its investigation of the economic costs of the armed confrontation and taking only the 10-year period between 1980 and 1989, the CEH estimates that the total direct quantifiable costs were equivalent to zero production in Guatemala for almost 15 months, equal to 121% of the 1990 Gross Domestic Product (GDP).

73. The majority of the costs, equivalent to 90% of the 1990 GDP, resulted from the loss of production potential due to the death, disappearance or forced displacement of individuals who had to abandon their daily activities, or from recruitment into the PAC, the Army or the guerrillas. The destruction of physical assets, including private and community property, and the loss of infrastructure, such as bridges and electrical towers, also represented considerable losses, over 6% of the 1990 GDP. These material losses frequently involved the total destruction of family capital, especially among Mayan families, particularly in the west and north-west of Guatemala.

74. Based on its investigation, the CEH concludes that the increase in military spending during the armed confrontation diverted necessary investments of public resources away from health and education, resulting in the abandonment of social development. This accelerated the deterioration of health and educational conditions in those areas most severely affected by the confrontation.

75. The armed confrontation also exacerbated the traditional weakness of the State regarding tax collection and intensified private sector opposition to necessary tax reform. This was reflected by the fact that during the period from 1978 to 1984 taxes as a percentage of GDP dropped constantly, in the final year reaching 7.1%, the lowest level registered over the previous 50 years. The effects were decisive: the gap between income and spending widened, leading to macroeconomic imbalance and further weakening the State's capacity to promote development.

76. Guatemala's macroeconomic performance during the 1980s compared with that of other countries in the region, particularly Honduras and Costa Rica, suggests that a consequence of the internal armed confrontation was the loss of opportunity for economic growth, which during the decade under study was the equivalent to about 14% of the 1990 GDP. Similarly, there were other non-quantifiable costs related to the destruction of human and social capital in the country which, along with the direct economic losses they represent, seriously limited the future development of the Guatemalan State and society. The CEH has concluded that society as a whole, and not just those people directly affected, has had to assume the high costs that resulted from the confrontation.

Solidarity and the defence of human rights

77. The CEH concludes that repression did more than generate terror, passivity and silence. Simultaneously, and with varying intensity at different stages of the armed confrontation, individual and collective responses arose to the dehumanising and denigrating effects of violence. Hindered by enormous obstacles, the organisations that emerged from this process dedicated their efforts to the defence of life, even when this implied living under the threat of death. Composed mainly of the surviving communities and relatives of the victims, their essential raison d'être was human solidarity, the defence of basic human rights and the desire for respect for dignity and justice. At the same time, they also contributed to reclaiming people's rights as citizens within the country's legal framework.

78. Human rights organisations made decisive contributions to establishing new principles of social relations and to reconstructing the social fabric. Although these organisations

emerged from those sectors most affected by the confrontation, their claims immediately extended to other sectors of society. Particularly during the final years of the armed confrontation, taking into account the close relationship between impunity for those who used systematic violence and the persistent militarization of society, various civic groups sought strategies to wrest away the Army's power and its pre-eminence in Guatemalan social and political life. The CEH considers that these efforts promoted a new awareness of the need for justice, respect for the law, and the validity of the rule of law as basic requirements of democracy.

The Mayan movement

79. In the judgement of the CEH, during the later years of the armed confrontation the Mayan movement affirmed its role as a key political actor. In the struggle against exclusions suffered since the foundation of the Guatemalan State, the Mayan people has made important contributions in the area of multiculturality and peace. These provide the essential bases for society as a whole to review its history and commit itself to building a new project of nationhood consistent with its multiculturality, which should be inclusive, tolerant and proud of the wealth implicit in its cultural differences.

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1 Throughout these conclusions, figures will be presented which refer only to cases documented by the CEH. They are only a sample of the human rights violations and acts of violence connected with the armed confrontation.

Conclusions

II. Human rights violations, acts of violence and assignment of responsibility

Human rights violations committed by the State

80. Those acts which are directly attributable to the State include those perpetrated by its public servants and state agencies. Additionally, the State holds direct responsibility for the actions of civilians to whom it delegated, *de jure* or *de facto*, authority to act on its behalf, or with its consent, acquiescence or knowledge. This includes military commissioners who were by law, agents of military authority; Civil Patrol members, insofar as the military authorities organised, directed or ordered them or had knowledge of their actions; the large land-owners who were granted police functions by the 1936 Penal Code; and any other third party that may have acted under the direction or with the knowledge of state agents.

81. The State must also respond for breaches in the legal obligation to investigate, try and punish human right violations, even when these were not committed directly by state agents or when the State may not have had initial knowledge of them.

82. Human rights violations and acts of violence attributable to actions by the State represent 93% of those registered by the CEH; they demonstrate that human rights violations caused by state repression were repeated, and that, although varying in intensity, were prolonged and continuous, being especially severe from 1978 to 1984, a period during which 91% of the violations documented by the CEH were committed. Eighty-five percent of all cases of human rights violations and acts of violence registered by the CEH are attributable to the Army, acting either alone or in collaboration with another force, and 18%, to the Civil Patrols, which were organised by the armed forces.

Anti-communism and the National Security Doctrine

83. Using the National Security Doctrine as its justification, and acting in the name of anti-communism, crimes were committed which include the kidnapping and assassination of political activists, students, trade unionists and human rights advocates, all categorised as "subversives"; the forced disappearance of political and social leaders and poor peasants; and the systematic use of torture.

84. During most of the internal armed confrontation, attempts to form organisations for the defence of human rights resulted in the elimination of their leaders. In the 1980s, the appearance of new groups of human rights defenders in various areas was received by the State with intensive repression which resulted in the murder or disappearance of many of their members. Campaigns directed towards discrediting this type of organisation, presenting them as "subversive", were one of the constants of the repression.

Massacres and the devastation of the Mayan people

85. The Army's perception of Mayan communities as natural allies of the guerrillas contributed to increasing and aggravating the human rights violations perpetrated against them, demonstrating an aggressive racist component of extreme cruelty that led to the extermination en masse, of defenceless Mayan communities purportedly linked to the guerrillas – including children, women and the elderly – through methods whose cruelty has outraged the moral conscience of the civilised world.

86. These massacres and the so-called scorched earth operations, as planned by the State, resulted in the complete extermination of many Mayan communities, along with their homes, cattle, crops and other elements essential to survival. The CEH registered 626 massacres attributable to these forces.

87. The CEH has noted particularly serious cruelty in many acts committed by agents of the State, especially members of the Army, in their operations against Mayan communities. The counterinsurgency strategy not only led to violations of basic human rights, but also to the fact that these crimes were committed with particular cruelty, with massacres representing their archetypal form. In the majority of massacres there is evidence of multiple acts of savagery, which preceded, accompanied or occurred after the deaths of the victims. Acts such as the killing of defenceless children, often by beating them against walls or throwing them alive into pits where the corpses of adults were later thrown; the amputation of limbs; the impaling of victims; the killing of persons by covering them in petrol and burning them alive; the extraction, in the presence of others, of the viscera of victims who were still alive; the confinement of people who had been mortally tortured, in agony for days; the opening of the wombs of pregnant women, and other similarly atrocious acts, were not only actions of extreme cruelty against the victims, but also morally degraded the perpetrators and those who inspired, ordered or tolerated these actions.

88. During the armed confrontation the cultural rights of the Mayan people were also violated. The Army destroyed ceremonial centres, sacred places and cultural symbols. Language and dress, as well as other elements of cultural identification, were targets of repression. Through the militarization of the communities, the establishment of the PAC and the military commissioners, the legitimate authority structure of the communities was broken; the use of their own norms and procedures to regulate social life and resolve conflicts was prevented; the exercise of Mayan spirituality and the Catholic religion was obstructed, prevented or repressed; the maintenance and development of the indigenous peoples' way of life and their system of social organisation was upset. Displacement and refuge exacerbated the difficulties of practising their own culture.

Disappearances

89. The CEH has concluded that in Guatemala forced disappearance was a systematic practise which in nearly all cases was the result of intelligence operations. The objective was to disarticulate the movements or organisations identified by the State as favourable to the insurgency, as well as to spread terror among the people. The victims of these disappearances were peasants, social and student leaders, professors, political leaders, members of religious communities and priests, and even members of military or paramilitary organisations that fell under suspicion of collaborating with the enemy. Those responsible for these forced disappearances violated fundamental human rights.

Arbitrary executions

90. The CEH concludes that the Guatemalan State repeatedly and systematically violated the right to life, through what this Report has called arbitrary executions. In many cases this was aggravated by extreme irreverence, as for instance, in situations in which the corpses were abandoned with evident indications of torture, mutilation, multiple bullet holes or burn marks. The perpetrators of these violations were Army officers, specialists and troops, death squads that either operated under the protection of the authorities or with members of these authorities, members of the Civil Patrols or military commissioners, and in certain cases, private individuals, specifically large land owners, with the consent or direct collaboration of state authorities.

The rape of women

91. The CEH's investigation has demonstrated that the rape of women, during torture or before being murdered, was a common practice aimed at destroying one of the most intimate and vulnerable aspects of the individual's dignity. The majority of rape victims were Mayan women. Those who survived the crime still suffer profound trauma as a result of this aggression, and the communities themselves were deeply offended by this practice. The presence of sexual violence in the social memory of the communities has become a source of collective shame.

The death squads

92. Some of the human rights violations were committed by means of covert operations. The military had clandestine units called "commandos" or "special squads" whose supplies, vehicles, arms, funding and operational instructions were provided by the regular structures of the Army, especially military intelligence. The work of these squads not only included execution and kidnapping, but also the development of counterinsurgency tactics of psychological war, propaganda and intimidation.

93. "Death squads" were also used; these were initially criminal groups made up of private individuals who enjoyed the tolerance and complicity of state authorities. The CEH has arrived at the well-founded presumption that, later, various actions committed by these groups were a consequence of decisions by the Army command, and that the composition of the death squads varied over time as members of the military were incorporated, until they became, in some cases, authentic clandestine military units. Their objective was to eliminate alleged members, allies or collaborators of the "subversives" using the help of civilians and lists prepared by military intelligence. The various names of the better known "death squads", such as, MANO (National Organised Action Movement), also known as Mano Blanca (White Hand) because of its logo, NOA (New Anti-Communist Organisation), CADEG (Anti-Communist Council of Guatemala), Ojo por Ojo (Eye for an Eye) and Jaguar Justiciero (Jaguar of Justice) and ESA (Secret Anti-Communist Army), were simply the transient names of the clandestine military units whose purpose was to eliminate the alleged members, allies or collaborators of "subversion".

The denial of justice

94. The courts were incapable of investigating, trying, judging and punishing even a small number of those responsible for the most serious human rights crimes, or of providing protection for the victims. This conclusion can be applied both to military tribunals charged with the investigation and punishment of crimes committed by individuals within their special jurisdiction, as well as to the ordinary justice system; the former, because it was part of

the military apparatus involved in the confrontation, and the latter, because it had given up exercising its functions of protecting and safeguarding the rights of the individual.

95. Acts and omissions by the judicial branch, such as the systematic denial of *habeas corpus*, continuous interpretation of the law favourable to the authorities, indifference to the torture of detainees and limitations on the right to defence demonstrated the judges' lack of independence. These constituted grave violations of the right to due process and serious breaches of the State's duty to investigate, try and punish human rights violations. The few judges that kept their independence and did not relinquish the exercise of their tutelary functions, were victims of repressive acts, including murder and threats, especially during the 1980s.

96. The CEH concludes that the rights to life and due process of those citizens that the Government of Guatemala put on trial in the Courts of Special Jurisdiction, were also seriously violated, particularly in the numerous cases in which the death penalty was imposed.

Forced and discriminatory military recruitment

97. During the entire period of the internal armed confrontation, the Guatemalan Army illegally forced thousands of young men into the army to participate directly in hostilities. Forced recruitment, which discriminated against the Mayan people and included minors under the age of fifteen, was a violation of personal freedom.

The legal order affected

98. The CEH concludes that the events referred to herein are grave violations of international human rights law whose precepts the Guatemalan State has been committed to respect since it approved the Universal Declaration of Human Rights and the American Declaration of the Rights and Obligations of Man in 1948. The fundamental principles of human rights have achieved the category of international customary law.

99. The gravity of this conclusion is accentuated by the fact that some of these violations, especially arbitrary executions, forced disappearances and torture, were repeated throughout the entire internal armed confrontation, at some stages becoming systematic. This obliges the authorities of the Guatemalan State to accept historical responsibility for these violations before the Guatemalan people and the international community.

100. As regards international humanitarian law, which contains the obligatory rules for all armed conflicts (including non-international armed conflicts), the CEH concludes that Guatemalan State agents, the majority of whom were members of the Army, flagrantly committed acts prohibited by Common Article III of the 1949 Geneva Conventions, particularly with respect to attacks against life and bodily integrity, mutilation, cruel treatment, torture and torment, the taking of hostages, attacks on personal dignity, and particularly humiliating and degrading treatment, including the rape of women. Therefore, the State of Guatemala, which was legally obliged to comply with these precepts and prohibitions throughout the confrontation, is responsible for these infractions.

101. The CEH concludes that the State of Guatemala, especially its Army, failed to make the distinction that applies in all types of armed conflicts, between combatants and non-combatants, that is, between those who participate directly in hostilities resorting to arms for self-defence or for neutralising the enemy, and the civilian population that does not take

part in hostilities, including those who previously participated, but no longer do so because they were wounded, became sick or laid down their arms.

102. Neither did the State of Guatemala respect the distinction between military targets and civilian property, proceeding to destroy, at great harm to the people, private and community property which, due to their nature, location, objective or use, were not military targets. Evidence of violations of these principles can be found in the multiple scorched earth operations and in registered cases of property destruction, as well as in the destruction of the collectively worked fields and harvests, which was a specific objective of the military plan, *Firmness 83-1*.

103. Moreover, the CEH concludes that the events presented in this report are grave violations of common principles that unite international human rights law and international humanitarian law. These principles were an historical demand of peoples who have faced unacceptable acts of barbarity during the twentieth century, events which never should be forgotten or repeated.

104. Finally, the CEH concludes that all these actions openly violate the rights guaranteed by the different constitutions of Guatemala in existence during the internal armed confrontation.

Institutional responsibility

105. The majority of human rights violations occurred with the knowledge or by order of the highest authorities of the State. Evidence from different sources (declarations made by previous members of the armed forces, documentation, declassified documents, data from various organisations, testimonies of well-known Guatemalans) all coincide with the fact that the intelligence services of the Army, especially the G-2 and the Presidential General Staff (*Estado Mayor Presidencial*), obtained information about all kinds of individuals and civic organisations, evaluated their behaviour in their respective fields of activity, prepared lists of those actions that were to be repressed for their supposedly subversive character and proceeded accordingly to capture, interrogate, torture, forcibly disappear or execute these individuals.

106. The responsibility for a large part of these violations, with respect to the chain of military command as well as the political and administrative responsibility, reaches the highest levels of the Army and successive governments.

107. The excuse that lower ranking Army commanders were acting with a wide margin of autonomy and decentralisation without orders from superiors, as a way of explaining that "excesses" and "errors" were committed, is an unsubstantiated argument according to the CEH's investigation. The notorious fact that no high-commander, officer or person in the mid-level command of the Army or state security forces was tried or convicted for violation of human rights during all these years reinforces the evidence that the majority of these violations were the result of an institutional policy, thereby ensuring impenetrable impunity, which persisted during the whole period investigated by the CEH.

Acts of genocide

108. The legal framework adopted by the CEH to analyse the possibility that acts of genocide were committed in Guatemala during the internal armed confrontation is the Convention on the Pre ven tion and Punishment of the Crime of Genocide, adopted by the United Nations

General Assembly on 9 December 1948 and ratified by the Guatemalan State by Decree 704 on 30 November 1949.

109. Article II of this instrument defines the crime of genocide and its requirements in the following terms:

> "... genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:
>
> a) Killing members of the group;
>
> b) Causing serious bodily or mental harm to members of the group;
>
> c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
>
> d) Imposing measures intended to prevent births within the group;
>
> e) Forcibly transferring children of the group to another group."

On this basis, the two fundamental elements of the crime are: intentionality and that the acts committed include at least one of the five previously cited in the above article.

110. After studying four selected geographical regions, (Maya-Q'anjob'al and Maya-Chuj, in Barillas, Nentón and San Mateo Ixtatán in North Huehuetenango; Maya-Ixil, in Nebaj, Cotzal and Chajul, Quiché; Maya-K'iche' in Joyabaj, Zacualpa and Chiché, Quiché; and Maya-Achi in Rabinal, Baja Verapaz) the CEH is able to confirm that between 1981 and 1983 the Army identified groups of the Mayan population as the internal enemy, considering them to be an actual or potential support base for the guerrillas, with respect to material sustenance, a source of recruits and a place to hide their members. In this way, the Army, inspired by the National Security Doctrine, defined a concept of internal enemy that went beyond guerrilla sympathisers, combatants or militants to include civilians from specific ethnic groups.

111. Considering the series of criminal acts and human rights violations which occurred in the regions and periods indicated and which were analysed for the purpose of determining whether they constituted the crime of genocide, the CEH concludes that the reiteration of destructive acts, directed systematically against groups of the Mayan population, within which can be mentioned the elimination of leaders and criminal acts against minors who could not possibly have been military targets, demonstrates that the only common denominator for all the victims was the fact that they belonged to a specific ethnic group and makes it evident that these acts were committed "with intent to destroy, in whole or in part" these groups (Article II, first paragraph of the Convention).

112. Among acts aimed at the destruction of Mayan groups, identified by the Army as the enemy, "killings" deserve special mention (Article II.a of the Convention), the most significant of which were the massacres. The CEH has verified that in the four regions studied, between 1981 and 1983, agents of the State committed killings which were the most serious acts in a series of military operations directed against the non-combatant civilian population. In accordance with the testimonies and other elements of evidence collected, the CEH has established that, both regular and special Army forces, as well as Civil Patrols and

military commissioners, participated in those killings characterised as massacres. In many cases, the survivors identified those responsible for directing these operations as being the commanders of the nearest municipal military outposts.

113. The analysis of the different elements used by the CEH, proves that in the above-mentioned cases, the aim of the perpetrators was to kill the largest number of group members possible. Prior to practically all these killings, the Army carried out at least one of the following preparatory actions: carefully gathering the whole community together; surrounding the community; or utilising situations in which the people were gathered together for celebrations or market days.

114. In the analysis of these events in the four regions, the CEH has established that along with the killings, which in themselves were sufficient to eliminate the groups defined as the enemy, members of the Army or of Civil Patrols systematically committed acts of extreme cruelty, including torture and other cruel, inhuman and degrading actions, the effect of which was to terrorise the population and destroy the foundations of social cohesion, particularly when people were forced to witness or execute these acts themselves.

115. The CEH concludes that, among those acts perpetrated with the intent to destroy, in whole or in part, numerous Mayan groups, are included many actions committed which constituted "serious bodily or mental harm to members of the group" (Article II.b of the Convention). The resulting destruction of social cohesion of the group, typical of these acts, corresponds to the intent to annihilate the group, physically and spiritually.

116. The investigation has also proved that the killings, especially those that were indiscriminate massacres, were accompanied by the razing of villages. This was most significant in the Ixil region, where between 70% and 90% of villages were razed. Also, in the north of Huehuetenango, in Rabinal and in Zacualpa, whole villages were burnt, properties were destroyed and the collectively worked fields and harvests were also burnt, leaving the communities without food.

117. Furthermore, in the four regions which were the object of this special investigation, people were also persecuted during their displacement. The CEH has established that in the Ixil area, displaced persons were bombed. Similarly, those who were captured or gave themselves up voluntarily continued to be the object of violations, in spite of being under the Army's absolute control.

118. The CEH concludes that some of the acts mentioned in the two previous paragraphs constitute the "deliberate infliction on the group of conditions of life" that could bring about, and in several cases did bring about, "its physical destruction in whole or in part" (Article II. c. of the Convention).

119. The CEH's analysis demonstrates that in the execution of these acts, the national military structures were co-ordinated to allow for the "effective" action of soldiers and members of Civil Patrols in the four regions studied. Military plan *Victory 82*, for example, established that "the mission is to annihilate the guerrillas and parallel organisations"; the military plan *Firmness 83-1* determined that the Army should support "their operations with a maximum of PAC members, in order to raze all collective works..."

120. The above has convinced the CEH that acts committed with the intent to destroy, in whole or in part, numerous groups of Mayans were not isolated acts or excesses committed by

soldiers who were out of control, nor were they the result of possible improvisation by mid-level Army command. With great consternation, the CEH concludes that many massacres and other human rights violations committed against these groups obeyed a higher, strategically planned policy, manifested in actions which had a logical and coherent sequence.

121. Faced with several options to combat the insurgency, the State chose the one that caused the greatest loss of human life among non-combatant civilians. Rejecting other options, such as a political effort to reach agreements with disaffected non-combatant civilians, moving of people away from the conflict areas, or the arrest of insurgents, the State opted for the annihilation of those they identified as their enemy.

122. In consequence, the CEH concludes that agents of the State of Guatemala, within the framework of counterinsurgency operations carried out between 1981 and 1983, committed acts of genocide against groups of Mayan people which lived in the four regions analysed. This conclusion is based on the evidence that, in light of Article II of the Convention on the Prevention and Punishment of the Crime of Genocide, the killing of members of Mayan groups occurred (Article II.a), serious bodily or mental harm was inflicted (Article II.b) and the group was deliberately subjected to living conditions calculated to bring about its physical destruction in whole or in part (Article II.c). The conclusion is also based on the evidence that all these acts were committed "with intent to destroy, in whole or in part" groups identified by their common ethnicity, by reason thereof, whatever the cause, motive or final objective of these acts may have been (Article II, first paragraph).

123. The CEH has information that similar acts occurred and were repeated in other regions inhabited by Mayan people.

Institutional responsibility

124. Based on the fundamental conclusion that genocide was committed, the CEH, in keeping with its mandate to present an objective judgement on the events of the internal armed confrontation, indicates that, without prejudice to the fact that the active subjects are the intellectual and material authors of the crimes in the acts of genocide committed in Guatemala, the State is also responsible, because the majority of these acts were the product of a policy pre-established by a command superior to the material perpetrators.

125. In relation to crimes of genocide, the CEH concludes that the State of Guatemala failed to comply with the obligation to investigate and punish acts of genocide committed in its territory, thus contravening the content of Articles IV and VI of the Convention on the Prevention and Punishment of the Crime of Genocide, which specifies that those who have committed genocide, whether they be heads of state, public officials or private individuals be judged by the competent courts of the State where the act was committed.

126. In general, the State of Guatemala holds undeniable responsibility for human rights violations and infringements of international humanitarian law. The Chiefs of Staff for National Defence (Estado Mayor de la Defensa Nacional) was, within the Army, the highest authority responsible for these violations. Nevertheless, regardless of who occupied positions within this body, political responsibility rests with the successive governments. For this reason, the President of the Republic, as Commander in Chief of the Army and Minister of Defence, should be subject to the same criteria of responsibility, given that national objectives were prepared at the highest level of Government in accordance with the National Security Doctrine. Furthermore, it should also be taken into account that until 1986, nearly all the

presidents were high level members of the military, with specific knowledge of military structures and their procedures.

Acts of violence committed by the guerrillas

127. The armed insurgent groups that participated in the internal armed confrontation had an obligation to respect the minimum standards of international humanitarian law that apply to armed conflicts, as well as the general principles common to international human rights law. Their high command had the obligation to instruct subordinates to respect these norms and principles.

128. Acts of violence attributable to the guerrillas represent 3% of the violations registered by the CEH. This contrasts with 93% committed by agents of the State, especially the Army.[2] This quantitative difference provides new evidence of the magnitude of the State's repressive response. However, in the opinion of the CEH, this disparity does not lessen the gravity of the unjustifiable offences committed by the guerrillas against human rights.

Arbitrary executions

129. The guerrilla groups committed acts of violence which violated the right to life, through the arbitrary execution of civilians or individuals, some of whom were defenceless, who were connected to the confrontation as military commissioners or members of the Civil Patrols, as well as through the arbitrary execution of members of their own organisations and even massacres.

130. The arbitrary executions were decided upon at different levels in the organic structure of the guerrilla organisations, very often with the participation of their highest military commanders, and at other times through decisions adopted locally in the presence of delegates from superior levels. Some of the cases documented by the CEH refer to public executions; on other occasions there were no witnesses, the victim's corpse being abandoned with some reference to the reason for the action.

131. The majority of cases documented by the CEH refer to executions perpetrated as part of the tactics of armed propaganda. Some of these arbitrary executions, particularly of PAC members, military commissioners and other related persons, were the result of what was called "revolutionary terror," consisting in acts of reprisal for collaboration with the Army, outside all regular combat. Executions were even carried out in the presence of the community, to generate terror and thus force individuals to join the guerrillas.

132. Members of the so-called dominant social class were also victims of arbitrary execution. These were primarily large landowners and businesspeople who the guerrillas included in their broad definition of the enemy.

"Revolutionary justice"

133. Under what were known as "shootings," the CEH has registered arbitrary executions of members of the insurgent groups themselves. In the application of what was called "revolutionary justice," in some cases the decision was taken to end the lives of combatants who attempted to desert, were suspected of collaborating with the enemy and other similar accusations. In any event, these cases openly violated the right to life and all principles of due process.

Massacres

134. Massacres, that is, the collective killing of the defenceless population, are also included in the acts of violence committed by the guerrillas during the confrontation, gravely violating the right to life. The CEH has knowledge of different acts of this kind which occurred especially between 1981 and 1982; thirty-two were registered by the CEH. The CEH has reliable information that women and children were also killed in some of these massacres.

Forced disappearance and kidnapping

135. There were also some cases of forced disappearance of people kidnapped by the guerrillas, whose whereabouts have never been discovered. Although it was not generally practised among insurgent groups, the CEH has also received some testimonies about the use of torture.

136. Defenceless people were repeatedly kidnapped by the guerrillas for political objectives or for the purpose of obtaining economic support in exchange for the person's freedom. Those kidnapped were well-known Guatemalan political figures, diplomats or business people. In some cases, including in the case of a foreign ambassador, the persons kidnapped were executed.

Forced recruitment

137. The CEH concludes that the guerrillas forcibly recruited civilians, even minors, thus committing crimes against personal freedom.

The legal framework affected

138. In the opinion of the CEH, all the situations described are infractions of Common Article III of the four 1949 Geneva Conventions. The guerrillas committed serious attacks against the lives and integrity of individuals, taking hostages and sentencing and summarily executing persons without trial, all acts prohibited by Common Article III, which the guerrillas were obliged to respect throughout the armed confrontation.

139. The CEH concludes that the guerrilla groups did not always distinguish, as should be done in all armed conflicts, between combatants and non-combatants, that is, between those who participate directly in hostilities and the civilian population.

140. Neither did the guerrillas observe the customs and rules of warfare that oblige them to distinguish between military targets and civilian property. Offences were committed against private or community property, which because of their nature, location, objective or use did not contribute towards obtaining military advantage, and thus caused unjustified damage to the civilian population.

141. The CEH concludes that the guerrillas, having committed the acts of violence referred to in this section, and infringed the standards of international humanitarian law, violated the principles common to both this law and to international human rights law.

The responsibility of the guerrillas

142. The CEH is convinced that a large proportion of the cases mentioned occurred with the knowledge of the guerrilla high military commanders, sometimes because the events derived from a deliberate political-military strategy and, at other times, because they were conducted in compliance with the decisions taken at the highest level.

143. In consequence, the CEH concludes that the superior levels of the organic structure of the guerrillas hold undeniable responsibility for offences against the lives of individuals and other violations of international humanitarian law.

Acts of violence committed by private individuals

144. The CEH concludes that, in connection with the armed confrontation, private individuals also committed acts of violence in defence of their own interests, either instigating these actions or directly participating in them. In general, the perpetrators were economically powerful people at either the national or local level.

145. Many human rights violations were committed in rural areas with the participation of large landowners. Some of these violations were committed jointly with agents of the State, in order to resolve conflicts with peasants by force. On other occasions, although they were committed directly by agents or hired assassins of the State, the motive was to protect the interests of these landowners.

146. In urban areas, diverse human rights violations were committed against trade union members and labour advisors. These were directly perpetrated by agents of the State or persons acting with its protection, tolerance or acquiescence and were based on close co-operation between powerful business people and security forces. These acts were committed in order to protect business interests, in accordance with openly anti-trade union government policies.

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2 With regards to other 4% of the violations, either it was not possible to gather sufficient elements of conviction to determine responsibility, or other groups were involved in them.

Conclusions

III. Peace and Reconciliation

147. At the end of 1996, the Government of President Alvaro Arzú Irigoyen, together with the URNG, with the participation of the United Nations as moderator and with the support of the international community, concluded a long negotiating process, by signing the Peace Accords. The Accords established certain obligations that represent an achievement of incomparable importance in the national history of recent decades.

148. During the long process in the search for a political solution, begun in 1987, the intensity of the armed confrontation had diminished considerably. However, during this period, violence, impunity and the militarization of society still prevailed in Guatemala. Considering that there were hostile groups that opposed the peace process because of diverse interests and the complexity of the situation, the CEH recognises the admirable effort and courage of those men and women who contributed to the signing of the Accords after nine years of rapprochement and negotiation between the Parties; the presidents of the Republic over this period and the public officials of the administrations that participated in the negotiations and initiation of the first conciliatory initiatives; the URNG Command; the citizens who participated in the National Reconciliation Commission and the Assembly of Civil Society; as well as the religious sector, especially the Catholic Church. The significant contribution of Army representatives to this process is also worthy of mention.

149. Similarly, the Congress of the Republic has contributed resolutions in support of peace and reconciliation, which should be broadened, based on the recommendations in this Report by the CEH. Of particular importance is Resolution 6-98, which was unanimously approved, and which established that:

> "historical memory forms part of the social culture and it should serve as an inspiration for reconciliation and peace, so that the events which occurred may never be repeated in Guatemalan society... [and]
>
> "That in 1980 a group of peasants assumed the suffering, needs and claims of the vast majority of Guatemalans whose lives hung between poverty and extreme poverty, by occupying the Spanish Embassy, their sole purpose being to make the world aware of their situation."

Likewise, Congress resolved, among other points,

> "To express solidarity with the relatives of those who gave their lives in order to find a path to a better future and achieve a firm and lasting peace... [and] to exhort Guatemalan society to commemorate these events, which are part of the history of Guatemala..."

150. The armed confrontation has left deep wounds in individuals, in families and in society as a whole. Due to this undeniable fact, making the Peace Accords a reality and achieving true national reconciliation, will be a long and complex process. The immediate key tasks that will facilitate Guatemala's full transition to reconciliation and the observance of the rule of law in a democratic State are: furthering the demilitarization process of both the State and society; strengthening the judicial system; opening up of greater opportunities for effective participation and ensuring reparations for the victims of human rights violations.

151. To achieve true reconciliation and construct a new democratic and participatory nation which values its multiethnic and pluricultural nature, the whole of society must, among other things, assume the commitments of the peace process. This doubtless requires a profound and complex effort, which Guatemalan society owes to the thousands of brave men and women who sought to obtain full respect for human rights and the democratic rule of law and so laid the foundations for this new nation. Among these, Monsignor Juan Gerardi Conedera remains at the forefront.

152. With humility and profound respect, the Commission for Historical Clarification dedicates its work to the memory of the dead and other victims of over three decades of fratricidal violence in Guatemala.

Recommendations

I. Introduction

The Accord of Oslo establishes as one of the three objectives of the CEH that it: "Formulate specific recommendations to encourage peace and national harmony in Guatemala. The Commission shall recommend, in particular, measures to preserve the memory of the victims, to foster a culture of mutual respect and observance of human rights and to strengthen the democratic process."

As expressly noted in other agreements, such as the Comprehensive Agreement on Human Rights, the Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreement and the Agreement on the Basis for the Legal Integration of the Guatemalan National Revolutionary Unity, the CEH should also outline recommendations for reparatory measures for the victims of the armed confrontation.

The CEH regarded it as imperative to formulate its recommendations taking into consideration the contents of the Peace Accords. The rigorous application of the Accords, and likewise their broad dissemination, are essential elements in establishing the foundations of a democratic rule of law. For this reason, the CEH believes it vital to emphasise and reiterate certain commitments already established in the Accords.

The methodology followed in preparing the recommendations was based on findings that arose from the investigation carried out by the CEH and from the extensive process of consultation of various sectors of civil society. The National Forum on Recommendations, convened by the CEH and held on 27 May 1998, was attended by 400 people, belonging to 139 organisations from civil society, and has been a useful source of reflection on those proposals of fundamental importance to the CEH. The needs and suggestions expressed in the personal testimonies given to the CEH and during the aforementioned process of consultation were a source of constant reference in the formulation of this chapter.

The CEH believes it necessary that its recommendations be implemented so that the mandate entrusted to it within the framework of the peace process achieves its objectives. To accomplish this, the joint participation of the State and civil society is necessary, as every Guatemalan without distinction should benefit from the recommendations.

On this basis, the CEH presents its recommendations laid out under the following sections:

1. Measures for the preservation of the memory of the victims;

2. Measures for the compensation of the victims;

3. Measures to foster a culture of mutual respect and observance of human rights;

4. Measures for strengthening the democratic process;

5. Other recommendations to favour peace and national harmony; and,

6. Body responsible for promoting and monitoring the fulfilment of the recommendations.

The effects of the armed confrontation and the violence connected with it were not limited solely to the two factions. Neither do the victims come only from certain sectors of the population. Almost all Guatemalans have been affected in one way or another by the violence that has been so widespread and lasted for such a long period of time. For this reason, the CEH's recommendations are fundamentally designed to facilitate unity in Guatemala and banish the centuries-old divisions suffered. Reconciliation is the responsibility of everyone.

The CEH is convinced that construction of peace, founded on the knowledge of the past, demands that those affected by the armed confrontation and the violence connected with it are listened to and no longer considered solely as victims, but as the protagonists of a future of national harmony.

The violence and horrors described in the Report should leave no room for despair. Subsequent generations in Guatemala have the right to a brighter, better future. Guatemalans can, and must, encourage a common project of nationhood. To bring about a reconstruction of Guatemala's social fabric, based on lasting peace and reconciliation, it is vital to foster an authentic sense of national unity among the diversity of peoples that make up the nation. By means of its recommendations, the CEH aims to help strengthen the hope of the people of Guatemala that its violent history will never be repeated.

II. Measures to preserve the memory of the victims

The Accord of Oslo emphasises the need to remember and dignify the victims of the fratricidal confrontation that took place in Guatemala. The CEH believes that the historical memory, both individual and collective, forms the basis of national identity. Remembrance of the victims is a fundamental aspect of this historical memory and permits the recovery of the values of, and the validity of the struggle for, human dignity.

On the basis of these considerations, and considering the appeal for forgiveness made by the President of the Republic on 29 December 1998, and the partial appeal for forgiveness made by the Guatemalan National Revolutionary Unity on 19 February 1998, the CEH recommends:

Dignity for the victims

1. That, in the name of the State of Guatemala and with the primary aim of restoring dignity to the victims, the President of the Republic recognise, before the whole of Guatemalan society, before the victims, their relatives and their communities, those acts described in this Report, ask pardon for them and assume responsibility for the Human Rights violations connected with the internal armed confrontation, particularly for those committed by the Army and the state security forces.

2. That the Congress of the Republic issue a solemn declaration reaffirming the dignity and honour of the victims and restoring their good name and that of their relatives.

3. That the ex-Command of the Guatemalan National Revolutionary Unity, with the primary aim of restoring dignity to the victims, ask forgiveness, solemnly and publicly, before the whole of society, before the victims, their relatives and their communities, and assume responsibility for those acts of violence committed by the ex-guerrillas connected with the armed confrontation that have caused the Guatemalan population to suffer.

Remembrance of the victims

4. That the Guatemalan State and society commemorate the victims by means of various activities carried out in co-ordination with organisations from civil society, among which it is essential that the following measures be included:

a) Designation of a day of commemoration of the victims (National Day of Dignity for the Victims of the Violence).

b) The construction of monuments and public parks in memory of the victims at national, regional and municipal levels.

c) The assigning of names of victims to educational centres, buildings and public highways.

5. That the commemorations and ceremonies for the victims of the armed confrontation take into consideration the multicultural nature of the Guatemalan nation, to which end the Government and local authorities should promote and authorise the raising of monuments and the creation of communal cemeteries in accordance with the forms of Mayan collective memory.

6. That the sacred Mayan sites violated during the armed confrontation are reclaimed and their importance highlighted in accordance with the wishes of the communities affected.

III. Reparatory measures

The CEH considers that truth, justice, reparation and forgiveness are the bases of the process of consolidation of peace and national reconciliation. Therefore, it is the responsibility of the Guatemalan State to design and promote a policy of reparation for the victims and their relatives. The primary objectives should be to dignify the victims, to guarantee that the human rights violations and acts of violence connected with the armed confrontation will not be repeated and to ensure respect for national and international standards of human rights.

On this basis, the CEH recommends:

National Reparation Programme

7. That the Guatemalan State, by means of appropriate measures taken by the Government and the Congress of the Republic, urgently create and put into effect a National Reparation Programme for the victims, and their relatives, of human rights violations and acts of violence connected with the armed confrontation.

8. That, to this end, the Government present to the Congress of the Republic, with the utmost urgency, a legislative bill on reparation for the victims of the armed confrontation which activates the National Reparation Programme. The said bill should set out the general principles and the structure of the programme, the categories of the beneficiaries, the measures, the procedures for the identification of the beneficiaries, the manner and the financial mechanisms, to be set forth below.

Principles and measures

9. That the National Reparation Programme include a series of measures inspired by the principles of equality, social participation and respect for cultural identity, among which at least the following should figure:

a) Measures for the restoration of material possessions so that, as far as is possible, the situation existing before the violation be re-established, particularly in the case of land ownership.

b) Measures for the indemnification or economic compensation of the most serious injuries and losses resulting as a direct consequence of the violations of human rights and of humanitarian law.

c) Measures for psychosocial rehabilitation and reparation, which should include, among others, medical attention and community mental health care, and likewise the provision of legal and social services.

d) Measures for the satisfaction and restoration of the dignity of the individual, which should include acts of moral and symbolic reparation.

10. That, depending on the type of violation, the reparatory measures be individual or collective. Collective reparatory measures should be implemented in such a way as to facilitate reconciliation between victims and perpetrators, without stigmatising either.

Therefore, collective reparatory measures for survivors of collective human rights violations and acts of violence, and their relatives, should be carried out within a framework of territorially based projects to promote reconciliation, so that in addition to addressing reparation, their other actions and benefits also favour the entire population, without distinction between victims and perpetrators.

11. That, for the process of reparation to become one of the principal bases for the process of national reconstruction and reconciliation, it is vital that Guatemalan society participate actively in the definition, execution and evaluation of the National Reparation Programme. This participation is especially important in the case of the Mayan population, which was affected with particular severity by the violence. In the specific case of measures for collective reparation it is essential that the beneficiaries themselves participate in defining the priorities of the reparation process.

Beneficiaries

12. That the beneficiaries of the moral and material reparatory measures must be the victims (or their relatives) of the human rights violations and of the acts of violence connected with the internal armed confrontation.

13. That for the purposes of the programme, victims are considered to be those persons who have personally suffered human rights violations and acts of violence connected with the internal armed confrontation.

14. That in those cases where individual economic indemnification is appropriate, prioritisation of the beneficiaries must be established, taking into consideration the severity of the violation, their economic situation and social vulnerability, and paying particular attention to the elderly, widows, minors or those who are found to be disadvantaged in any other way.

15. That the identification of Programme's beneficiaries should be guided by criteria of clarity, justice, equality, speed, accessibility and broad-based participation.

Structure of the programme

16. That the Board of Directors of the Programme be composed of nine members: i) two persons appointed by the President of the Republic; ii) two persons appointed by the Congress of the Republic; iii) one person designated by the Human Rights Ombudsman; iv) a representative from the victims' organisations; v) a representative from the human rights organisations; vi) a representative from the Mayan organisations; vii) a representative from the women's organisations.

17. That, with the aim of facilitating the appointment process for the representatives of the aforementioned organisations, the person designated by the Human Rights Ombudsman convene and facilitate appointment processes of the respective sectors.

18. That the Programme's Board of Directors should have the following functions:

a) Receive individual or collective applications from potential beneficiaries.

b) Assess, according to the circumstances of each case, whether the potential beneficiary has the status of victim or relative of a victim. Victims of cases contained in the case annexes of this

Report should be automatically qualified as victims without the need for another case study.

c) Assess the socio-economic status of potential beneficiaries previously identified as victims.

d) On the basis of the former, decide who the beneficiaries are.

e) Decide on the relevant reparatory measures.

Financing

19. That the State fund the National Reparation Programme by putting into effect the universally progressive tax reform established by the Peace Accords. To achieve this, a redistribution of social spending and a decrease in military spending would be appropriate. These measures should constitute the principal source of financing.

20. That, to the same end, the State solicit international co-operation from those countries which, during the internal armed confrontation, lent military and financial aid to the parties.

Period of operation

21. The National Reparation Programme should cover the time period necessary for it to achieve its objectives. This should not be less than ten years, considering the period determined for the presentation of the applications and the time necessary for allocating and delivering the benefits.

Forced disappearance

Given the extent of the crime of forced disappearance, developed as a repeated practise in Guatemala during the period of armed confrontation, and considering that forced disappearance not only causes those close to the detained person long-term distress due to the uncertainty of the fate of their loved one, but also generates a series of legal and administrative problems, it becomes vital to rectify these problems so that the suffering and complications occasioned by the disappearance are not prolonged. Therefore, so that it may be included in the National Reparation Programme, the CEH recommends:

Search for the disappeared

22. That the Government and the judiciary, in collaboration with civil society, initiate, as soon as possible, investigations regarding all known forced disappearances. All available legal and material resources should be utilised to clarify the whereabouts of the disappeared and, in the case of death, to deliver the remains to the relatives.

23. That the Guatemalan Army and the former Guatemalan National Revolutionary Unity provide whatever information they may have in relation to the disappearances of people that occurred during the period of internal armed confrontation.

Request: In relation to the search for the disappeared, the International Committee of the Red Cross (ICRC), an international body specialising in such matters, is requested to lend its advice and technical support to the various organs of the Guatemalan State responsible for these activities.

Specific recommendations concerning children who have been disappeared, illegally adopted or illegally separated from their families.

24. That the Government urgently activate the search for children who have been disappeared including, at the very least, the following measures:

a) Establishment of a National Commission for the Search for Disappeared Children whose aim should be to look for children who have been disappeared, illegally adopted or illegally separated from their parents and of documenting their disappearance.

Suggestion and request: That the said Commission be composed of the Human Rights Ombudsman and representatives from the national non-governmental organisations for human rights and children, with the advice and technical and financial support, as available, of UNICEF, the ICRC and international non-governmental organisations specialising in children's issues, from whom the CEH solicits co-operation.

b) The promotion of legislative measures by which, at the request of interested parties, the courts and tribunals of the judiciary and the bodies charged with the protection of unaccompanied children, allow access to their files, facilitating the acquisition of information regarding the identity, ethnic origin, age, place of birth, current whereabouts and real name of the children given up for adoption or taken into care during the armed confrontation.

c) The implementation of a wide-reaching general information campaign in Spanish and all the native languages, across every region of the country and in refugee sites located in other countries, concerning the activities and measures connected with the search for these children.

25. That the media actively assist the initiatives in the search for disappeared children.

26. That the Government promote extraordinary legislative measures that, on the request of the adopted person or his/her relatives, allow for the review of adoptions brought about without the knowledge, or against the will, of the natural parents. The said review should always take place taking into consideration the views of the person who was adopted and in such a way as to promote cordial relations between the adoptive and natural families so that subsequent trauma for the adopted person is avoided.

Recognition of the legal status of absence due to forced disappearance

27. That the Government prepare and present a bill of law to the Congress of the Republic, by which the declaration of absence due to forced disappearance is recognised as a legal category with the purpose of validating for legal purposes filiation, succession, reparation, and other civil ends related to it.

Active policy of exhumation

The CEH believes that the exhumation of the remains of the victims of the armed confrontation and the location of clandestine and hidden cemeteries, wherever they are found to be, is in itself an act of justice and reparation and is an important step on the path to reconciliation. It is an act of justice because it constitutes part of the right to know the truth and it contributes to the knowledge of the whereabouts of the disappeared. It is an act of reparation because it dignifies the victims and because the right to bury the dead and to carry out ceremonies for them according to each culture is inherent in all human beings.

On this basis, and taking into consideration the high number of clandestine cemeteries referred to in this Report, as well as those still not publicly known, the CEH recommends:

28. That the Government prepare and develop an active policy of exhumation and urgently present to the Congress of the Republic legislation for a Law of Exhumation which establishes rapid and effective procedures for this and which takes into account the three following recommendations.

29. That the process of exhumation is carried out with full respect for the cultural values and dignity of the victims and their families, considering the process of exhumation not only as a judicial procedure, but above all as means for individual and collective reparation.

30. That the bodies and remains of the victims be handed over to their relatives for a dignified burial according to their particular culture.

31. That the work of the non-governmental organisations specialising in forensic anthropology and the investigation and identification of human remains be promoted and supported. The said specialist organisations should work in association with the Human Rights Ombudsman, whose office should serve as the depository for the relevant data.

Request: Given the economic cost entailed by such specialist activity, the financial support and technical advice of the international community is particularly requested.

IV. Measures to foster a culture of mutual respect and observance of human rights

IV.1. Culture of mutual respect

As reflected in the previous chapters of the Report, a culture of violence has developed in Guatemala, which has resulted in mistrust and a lack of respect among its people. This clearly needs to be transformed into a culture of tolerance and mutual respect.

The CEH believes that the Peace Accords are a basic foundation for the development of peaceful and tolerant relations between the various sectors of Guatemalan society. Consequently, the knowledge and assimilation of the past, the knowledge of the causes and the scope of the uncontrolled violence and, likewise, of the basic principles of respect for human rights, of the mechanisms for their defence and the peaceful solution of disputes are essential elements for the consolidation of a peaceful future.

The CEH believes that to achieve national harmony and reconciliation, a concerted effort at cultural change is required and that this can only be contemplated through an active policy of education for peace.

The relationship between the State and the indigenous population of Guatemala – particularly the Mayan people – has subsisted within an environment of racism, inequality and exclusion. As this can be considered to be one of the historical causes of the armed confrontation, measures guaranteeing the protection of the individual and collective rights of the indigenous population, the respect for cultural plurality and the promotion of intercultural relations become vital.

On this basis, the CEH recommends:

The dissemination and teaching of the contents of the Report

32. That the State, as a moral imperative and as a duty, embrace the contents of this Report and support all initiatives put into effect for its dissemination and promotion among all Guatemalans.

33. That, to this end, and in co-ordination with the organisations of civil society in Guatemala and particularly with indigenous and human rights organisations, the Government promote a campaign for the general dissemination of the Report, that takes into consideration the social, cultural and linguistic reality of Guatemala.

34. That, respecting the multilingual character of Guatemala, the Guatemalan Academy of Mayan Languages carry out the translation of the Report, with public financing, into the following languages:

- the entire Report should be translated into, and published in, at least five Mayan languages: k'iche, kaqchikel, mam, q'eqchi' and ixil; and,
- the Report's conclusions and recommendations should be translated into the twenty-one Mayan languages and disseminated in both written and oral forms.

35. That the Government provide for and finance the translation of the Report's conclusions and recommendations into garífuna and xinca.

36. That the curricula of primary, secondary and university level education include instruction on the causes, development and consequences of the armed confrontation and likewise of the content of the Peace Accords with the depth and method relevant to the particular level.

Education for a culture of mutual respect and peace

37. That the State, along with the national human rights non-governmental organisations, co-finance an educational campaign to promote a culture of mutual respect and peace, to be developed by the aforementioned non-governmental organisations and aimed at the country's diverse political and social sectors. The said campaign should be based on principles such as democracy, tolerance, respect for human rights and on the use of dialogue as an instrument for the peaceful solution of disputes. Likewise, it should include the promotion of the development and free circulation of information, with particular emphasis on the content of the Universal Declaration of Human Rights and on the fundamental principle of peace.

38. That the Government, by means of the educational reform envisaged by the Peace Accords, foster an environment of tolerance and respect and promote self-awareness and awareness of the other, so that the dividing lines created by the ideological, political and cultural polarisation may be erased.

Request: considering the activities so far developed in this area in Guatemala, the CEH requests that the Organization of American States (OAS), through the Cultural Dialogue Programme: Development of Resources for the Construction of Peace (OAS/PROPAZ), lend its support and technical advice to the implementation of the recommendations regarding a culture of mutual respect. Likewise, considering its expertise and activity at the universal level, the Culture of Peace Programme of the Organisation of the United Nations for Education, Science and Culture (UNESCO) is requested to afford whatever assistance possible to this process.

IV.2. Observance of human rights

With the aim of strengthening a culture of mutual respect and observance of human rights and of effectively protecting those working for their defence, the CEH recommends:

Mechanisms for international protection

39. That the executive and legislative branches take all necessary steps to allow the Guatemalan State to ratify those international human rights instruments still pending, as well as the corresponding implementation mechanisms. The CEH particularly recommends giving priority to the following:

- International Convention on the Elimination of All Forms of Racial Discrimination, with recognition of the competence of the Committee for the Elimination of All Forms of Racial Discrimination to receive individual complaints.
- First optional Protocol to the International Covenant on Civil and Political Rights.
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, with recognition of the competence of the Committee against Torture to receive individual complaints.
- Additional Protocol of the American Convention on Human Rights for the Question of Economic, Cultural and Social Rights ("Protocol of San Salvador").
- Inter-American Convention on Forced Disappearances.
- Statute of the International Criminal Tribunal.

International humanitarian law

40. That the Government take the necessary measures to fully incorporate into national legislation, the standards of international humanitarian law and that it regularly provide instruction regarding these norms to the personnel of state institutions, particularly the Army, who are responsible for respecting, and in turn engendering respect in others for said norms.

Human rights defenders

41. That the Government promote, with prior consultation the organisations for human rights, legislative measures specifically orientated towards the protection of human rights defenders.

Administrative measures related to public officials responsible for human rights violations

At the same time as reiterating the importance of the measures and commitments assumed by the signatories to the Comprehensive Agreement on Human Rights, and as a solely preventative rather than repressive or punitive measure, the CEH recommends:

42. That a commission should be established by the President of the Republic using his constitutional prerogative, to be under his immediate authority and supervision, and which will examine the conduct of the officers of the Army and of the various bodies of state security forces active during the period of the armed confrontation. Its purpose is to assess the adequacy of their conduct in the execution of their duties during the said period, in regard to the minimum standards established by the instruments of international human rights and humanitarian law.

43. That the said Commission be composed of three independent civilians of recognised honesty and irreproachable democratic trajectory.

44. That the aforementioned Commission should carry out its tasks by the procedure it deems most appropriate, but in any case should listen to the interested parties, bearing in mind the CEH's Report and the personal record of the officers.

45. That consequently, and in view of the magnitude and severity of human rights abuses, administrative measures be adopted that take into account the content of the draft document "Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity" [2] of the United Nations Commission on Human Rights.

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1 These five linguistic communities were affected most gravely during the armed confrontation. The first four are the most widely spoken languages in relation to the rest of the country's Mayan languages.

2 E/CN.4/Sub.2/1997/20/Rev.1/Anexo II

V. Measures to strengthen the democratic process

V.1. Administration of justice and traditional forms of conflict resolution

V.1.a Administration of justice

In various sections of the Peace Accords express reference is made to Guatemala's system for the ad mi nistration of justice. Specific reference is made to it in the Agreement on the Strengthening of Civil Power and the Role of the Armed Forces in a Democratic Society, in which it is described as "one of the greatest structural weaknesses of the Guatemalan State." In fulfilling the said agreement, the Commission on the Strengthening of the Justice System produced a final report including various recommendations.

As a result of its own investigations, the CEH has also come to the conclusion that the weakness and dysfunction of the judicial system has contributed decisively to impunity and the misapplication of criminal law during the period covered by the CEH's mandate.

Also, as a result of the Peace Accords, the Congress of the Republic approved the National Reconciliation Law, which, according to Article 1, is considered to be a "basic instrument for the reconciliation of those people involved in the internal armed confrontation."

Considering the former, the CEH recommends:

Commitments pertaining to the Peace Accords

46. That the powers of the Guatemalan State regard the fulfilment of their commitments on justice contained in the Agreement on the Strengthening of Civil Power and the Role of the Armed Forces in a Democratic Society, as of utmost importance. The recommendations contained in the final Report produced by the Commission on the Strengthening of the Justice System, and which the CEH assumes and reiterates as it own, should be carried out in full.

National Reconciliation Law

47. That the powers of the State fulfil, and demand fulfilment of, the Law of National Reconciliation, in all of its terms and in relation to the rest of Guatemalan law. Those crimes for whose commission liability is not extinguished by the said law, should be prosecuted, tried and punished, particularly following Article 8 "crimes of genocide, torture and forced disappearance, as well as those crimes that are not subject to prescription or that do not allow the extinction of criminal liability, in accordance with domestic law or international treaties ratified by Guatemala."

48. That, in applying the National Law of Reconciliation, the relevant structures take into account the various degrees of authority and responsibility for the human rights violations and acts of violence, paying particular attention to those who instigated and promoted these crimes.

Right to habeas data

49. That a bill of law be presented by the Government to the Congress of the Republic which quickly and effectively establishes the right of *habeas data* as a specific mechanism

of protection and activates the constitutional right, recognised in Article 31 of the Constitution, of access to information contained in archives, files or any other form of state or private record. It should also penalise the gathering, storage or concealment of information about individuals, their religious or political affiliation, their trade union or social activism and any other data relating to their private lives.

V.1.b Traditional forms of conflict resolution

The Commission on the Strengthening of the Justice System included a series of recommendations in its final Report that uses as its starting point the fact that it is "necessary to proceed with the search for formulas that encompass traditional methods of conflict resolution and the state judicial system, capable of complementing both components."

As outlined in its Report, the CEH has noted that disrespect for the traditional methods of conflict resolution, and for the authorities charged with applying them, to the point of the perpetration of acts aimed at eliminating them, has been an almost constant characteristic from 1980 until the end of the armed confrontation.

Considering all the former, and reiterating the need to fulfil the recommendations made by the Commission on the Strengthening of the Justice System, the CEH especially recommends:

Legal integration

50. That what is known as customary law is recognised and integrated into the Guatemalan legal framework, formalising and ordering a respectful and harmonious relationship between the jud icial system and the traditional forms of conflict resolution, with their principles, criteria, autho-rities and procedures, as long as the rights recognised in the Guatemalan Constitution and in international treaties on human rights are not violated.

Instruction

51. That the universities and other state educational bodies which teach the law include knowledge of the norms of the traditional forms of conflict resolution as a distinct subject in their study programme.

52. That the Ministry of Education support the publication of materials which contain the latest advances in the research into the practices that constitute what is known as customary law.

V.2. Primacy of civilian power and the role of the Armed Forces

V.2.a Legal reform

Considering the grave human rights violations committed by Army agents during the armed confrontation and the marked weakening of the social fabric as a direct consequence of the militarization, the CEH believes it vital to promote legislative measures which establish the fundamental bases for the correct relationship between the Army and civil society within a democratic system, and the necessary subordination of the Army to civilian rule. These measures should include the adaptation of the military norms and fulfilment of its constitutional mandate to promote respect for human rights, the exercise of discipline only according to the law, the apolitical role of the military and restricting its role to external defence.

The CEH also recognises the pernicious effect of the activities of military intelligence on the human rights situation and on civilian-military relations. Equally, it recognises the severe

abuse of authority committed in the past through anti-democratic behaviour and the serious violation of human rights by forces directly linked to such intelligence services and often carried out by means of covert actions.

The CEH believes that unquestioning obedience to any kind of order is one of the most significant and most dangerous factors generating human rights violations.

On the basis of the former, the CEH recommends:

53. That the Government present to the Congress of the Republic the necessary legislative reform bills that include measures to implement the Recommendations number 54 to 59 below. These bills should be based on, and complement, what was established in the Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in a Democratic Society.

Reform of the Constitutive Law of the Army

54. That the Presidential and Vice-presidential General Staff (*Estado Mayor Presidencial y Vicepresidencial*) structures be abolished, being unnecessary in a democratic State.

Reform of military legislation

55. That a new Military Code be drafted and put into effect based on legal, moral and doctrinal criteria in accordance with the Constitution of the Republic and the reforms to the same derived from the Peace Accords.

56. That the Military Code include the correct concept, already contained in the Constitution of the Republic, of discipline and obedience solely within the law and never outside it, and that reference be removed in the Military Code to obedience being owed to whatever kind of order.

57. That the death penalty for the military offence of disobedience be abolished.

New legislation regarding the state intelligence apparatus

58. That the Government present to Congress of the Republic the corresponding legislation that:

a) Precisely define the structures, tasks and limits of civil and military intelligence, restricting the latter to exclusively military affairs; and

b) Establish clear mechanisms of effective control in Congress regarding all aspects of the apparatus of state intelligence.

59. That the commitments regarding intelligence contained in the Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in a Democratic Society be fulfilled as soon as possible, particularly those relating to the approval of the following: the Law on Methods of Supervision of the Organs of State Intelligence; the Law Regulating Access to Information on Military or Diplomatic Affairs relating to National Security; the delimitation of the jurisdiction of the Intelligence Office of the Army General Staff, reconciling these to the new role of the Army; the configuration of the Department of Civil Intelligence and Information Analysis and of the Secretary for Strategic Analysis.

V.2.b New military doctrine

60. That the Government promote a new military doctrine for the Guatemalan Army, that should result from a process of internal reflection and consultation with the organisations of

civil society. This doctrine should establish the basic principles for the appropriate relationship between the Army and society within a democratic and pluralist framework. Among these fundamental principles, at least the following should figure:

a) The function of the Army is the defence of the sovereignty and independence of the State and the integrity of its territory. Its organisation is hierarchical and based on the principles of discipline and obedience within the law.

b) The Army should accept that sovereignty resides in the Guatemalan people. As a consequence, the Army should respect whatever social reforms and changes which result from the exercise of this sovereignty, reconciling itself to the mechanisms established in the Constitution.

c) The Army will base its legal standards, as well as its conduct, on systematic respect for human rights.

d) The Army will be subordinate to political power, which emanates from the ballot box through the procedures established by the Constitution.

e) The Army will show respect for the Constitution in all its aspects.

f) The Army is apolitical. It should remain at the margins of party politics and respect all those political forces legally constituted. None of these may be persecuted or submitted to surveillance or control of any of their activities that are carried out within the law.

g) Members of the military accept the limitation inherent in their career, specifically intended to preserve the apolitical nature of the institution, that, whilst they are in military service, they may not affiliate to, nor become a member of, any party or trade union.

h) Members of the military may exercise their right to vote freely and secretly in national and local elections. Nevertheless, whilst they remain in active service they may not reveal their political preferences in any public act or through any medium of social communication.

61. That the basic values of members of the military must conform to the following concepts and fundamental principles:

a) that members of the military are citizens in the public service of national defence;

b) that military discipline has to be based on the concept of strict obedience within the law, and never outside it;

c) that the concept of military honour must be inseparable from respect for human rights; and,

d) that the esprit de corps must conform to a high standard of ethics and be based on principles of justice and public service.

V.2.c Reform of military education

62. That the Government take measures for the revision of the curricula of the Guatemalan Army's various training centres, in such a way as to include, as basic subject material, the points numbered previously.

63. That the CEH's Report be studied as part of the Guatemalan Army's educational curriculum.

64. That the Guatemalan Army's various educational centres promote a review of the teaching staff and remove military personnel involved in present or past human rights violations from educational functions. Maximum professional and ethical rigor from the teaching staff is required.

65. That the civilian Faculty of the Guatemalan Army's training centres be made up of persons of recognised democratic trajectory.

V.2.d Other recommendations pertaining to the Army

Civil service: military and social

Considering that forced and discriminatory recruitment has been a continuous and abusive practice throughout the armed confrontation, having affected almost every Mayan community, and considering the future approval of the Civil Service Law contemplated in the Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in a Democratic Society, which will regulate military and social service, the CEH particularly recommends with regard to this law:

66. That the regulations of military service maintain strict respect for the principle of equality before the law in the mechanisms and process of recruitment.

67. That the option of conscientious objection be established and registered for those whose religious, ethical or philosophical convictions do not permit them to carry arms, so that they are not obliged to do so, but instead allowed to perform other types of civic service to the community.

68. That young men of military service age who themselves, or whose family members within first degree consanguinity, were victims of human rights violations and acts of violence connected with the armed confrontation, remain exempt from military service and be directly assigned to civil service.

Special forces

69. That, in conformity with the principles of military doctrine and education stated previously, the training programmes of the armed forces be subject to drastic and profound revision, especially those conceived specifically for counter-insurgency, such as that known as the *Kaibil* School.

Respect for Mayan cultural names and symbols

70. That, with the aim of respecting the Mayan people's cultural identity, which was severely violated during the armed confrontation, the Army no longer the use of names of particular Mayan significance and symbolism for its military structures and units.

Civic defence of the peace

In a world in which national and international peace is the responsibility of all and in which the fundamental duty of the armed forces should be the defence of peace, the CEH recommends:

71. That, as one of its priorities, the Army promote participation in peace initiatives and international security under the authority of the United Nations Organisation or the Organization of American States.

72. That the military professionals make every effort to achieve a Guatemalan Army dedicated to the service of peace and to the citizens of Guatemala, of which every Guatemalan may feel proud.

Request: The governments of those countries whose armies have undergone similar transitions to that required of the Guatemalan Army, are asked to lend their technical and financial co-operation to facilitate the implementation of the recommendations listed above in part V.2.

V.3. Public security

The principal aim of the restructuring of the security forces, their professionalisation and their instruction regarding the law, democracy, human rights and a culture of peace, as stipulated in the Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in a Democratic Society, is to convert the role of the police into one of genuine public service. This implies the exclusively civilian character of the police force and respect for the multiethnic nature of the Guatemalan nation in the recruitment, selection, training and deployment of the police.

Given the discrediting of former police institutions for grave human rights violations and the general deficiency of service to public security afforded to the community, the new National Civilian Police (PNC) must implement, in their doctrine, professional conduct and in the development of a professional and modern police force, the minimum principles contained in the relevant international instruments regarding respect for human rights, public liberties, rule of law and democracy.

On this basis and with a view to guaranteeing suitable future development of the duties of the police, the CEH particularly recommends:

Security forces doctrine

73. That under the guidance of the Ministry of the Interior, the PNC begin a process of internal reflection in consultation with organisations from civil society, with the aim of producing and defining the doctrine of the civilian security forces, whose bases should be:

a) service to the community, without discrimination of any type and with respect for the multiethnic character of the Guatemalan nation;

b) development of the civilian nature of the police force and the demilitarization of its organisation, hierarchy and disciplinary procedures;

c) complete respect for human rights and the consequent investigation, prosecution and conviction of any members who have committed human rights violations;

d) respect for democracy and the rule of law; and

e) the continuous professional training and instruction of the police at every rank.

Internal control

74. That under the supervision of the Ministry of the Interior, the Directorate of the PNC take the relevant measures to ensure the removal from the police of those elements who have acted, or act, against its doctrine of public service and create a new unit for internal control

or inspection, which is accessible both to the public and the Human Rights Ombudsman, and which has autonomy to investigate and sanction both individual and institutional professional misconduct.

Indigenous participation

75. That the directorate of the PNC promote measures which genuinely open the way for par ticipation by indigenous peoples in public security service, such as:

a) taking into consideration bilingualism in the academic evaluation, as well as eventual deployment of a police candidate;

b) the elimination of discrimination in the summoning and selection processes and their adaptation to the realities of a multiethnic country;

c) the education in the PNC Academy on the multicultural nature of Guatemala and intercultural harmony; and

d) the organisation of the police service in such a way that indigenous members are able to use their native language skills in contact with the public, promote positive relations with indigenous institutions and authorities and respect forms of conflict resolution characteristic of their cultures.

Resources

76. That, when determining the national budget, the Government and the Congress of the Republic increase the financing of the National Civilian Police, guaranteeing adequate training and equipment with modern means and installations and dignified working conditions.

Civilian nature of the PNC

77. That the new Public Order Law, referred to by the Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in a Democratic Society, considers the civilian nature of the Police during emergency situations of whatever type, and does not oblige it to participate in duties which appertain to the Army.

78. That, in case the reforms proposed in the Peace Accords are unsuccessful, Congress take the necessary legislative action to separate the functions of the Army and of the Police, limiting the participation of the Army in the field of public security to an absolute minimum.

VI. Other recommendations to promote peace and national harmony

The CEH believes that for the promotion of peace and national harmony it is necessary to know and face the causes of the armed confrontation and its consequences, in such a way as to put an end to the social, ethnic and cultural divisions in Guatemala.

Equally necessary, are social participation and the contribution of all Guatemalans without discrimination in the fulfilment of public duties.

Although the CEH's Report should serve as a fundamental reference point in the investigation of Guatemala's past, it does not in itself bring to a close the investigation and analysis that must be carried out regarding the armed confrontation, its causes, the extent of the violence and its effects. The Report of the CEH should serve as a platform for continuing investigation within Guatemala. On this basis, the CEH recommends:

Investigation and analysis of the past

79. That the Guatemalan people continue the investigation and analysis of the events of the past, so as to construct firm foundations for the future based on their knowledge of the past, and thereby avert a repetition of the mistakes that provoked the confrontation.

Political participation of indigenous peoples

The CEH, without prejudice to the commitments already established in the Agreement on Identity and Rights of Indigenous Peoples, would like to reiterate the importance of the obligations assumed by the Government to promote social and political participation by the indigenous population and to bring about regional administration coherent with ethnic identity. For this reason the CEH particularly recommends:

80. That among the public officials and other personnel employed by the State, room is given, in sufficient number, to indigenous professionals with the qualifications and experience relevant to the demands of the various posts.

81. That, to the end expressed in the previous paragraph, the State establish and finance a system of grants for the training and specialisation of the aforementioned indigenous professionals.

Elimination of racism and of the subordination of indigenous peoples

Given that the relationship between the State and the indigenous population of Guatemala – particularly the Mayan people – has subsisted within an environment of racism, inequality and exclusion, and that this is one of the historical causes of the armed confrontation, measures guaranteeing the protection of the individual and collective rights of the indigenous population, respect for cultural plurality and promotion of intercultural relations, become vital.

On this basis, the CEH reiterates:

82. That the Agreement on Identity and Rights of Indigenous Peoples be implemented, in its entirety.

Fiscal Reform

Considering the Agreement on Social and Economic Aspects and the Agrarian Situation and the need for all Guatemalans to contribute to social development and the improvement of public services, the CEH reiterates:

83. That the Government promote measures designed to encourage the mobilisation of national resources, carrying out urgent fiscal reform that is just, equitable and progressive, as established in the Agreement on Social and Economic Aspects and the Agrarian Situation.

VII. Body responsible for promoting and monitoring the implementation of the recommendations

The CEH believes it vital that these recommendations be fulfilled so that the mandate entrusted to the CEH within the framework of the peace process achieves its objectives. To accomplish this, the joint participation of the State and civil society is needed, as every Guatemalan without distinction should benefit from the recommendations.

Therefore, the CEH recommends the establishment of a follow-up body in which both State and civil society are represented, to aid, promote and monitor the implementation of the recommendations. Consolidation of the peace and reconciliation process in Guatemala requires that the State and civil society work together to achieve their common objectives.

Although the monitoring and implementation of the recommendations regarding the consolidation of peace and reconciliation falls to Guatemala, continuing support from the international community will be necessary.

On this basis, the CEH considers it necessary and, therefore, recommends:

84. That the Congress of the Republic, through the initiative of its Commission on Human Rights, approve, no more than 60 days from the publication of the CEH's Report and through the corresponding legislative measure, the establishment of a body responsible for implementing and monitoring the recommendations of the CEH under the name of "Foundation for Peace and Harmony" (hereinafter, "the Foundation"), whose mandate, composition, appointment procedure, constitution, installation, period of operation, human and material resources and financing are outlined below.

Mandate

The Foundation's principal objective will be to facilitate the implementation of the recommendations made by the CEH, regarding the five principal areas of activity covered by the mandate:

a) Direct implementation of specific recommendations;

b) Backing and assistance in the implementation of the recommendations;

c) Monitoring the adequate implementation of the recommendations;

d) Promotion of and support for historical research;

e) Assistance in seeking funds to finance projects for the implementation of the recommendations.

Composition

The Foundation shall be composed of seven members who will be appointed for a period to be determined by the corresponding legal resolution. Their distribution shall be as follows:

- Two persons appointed by the Congress of the Republic, who shall be of different political affiliations.
- One person appointed by the Government.

- An independent person, of recognised democratic trajectory and commitment to the peace process.
- Two representatives from Guatemalan non-governmental organisations for human rights and victims.
- One representative from the Guatemalan Mayan organisations.

The appointment by the relevant institutions shall be made no later than two months from the date of the congressional resolution.

Appointment procedure

The Congress of the Republic and the Government respectively shall appoint the relevant persons. It is suggested that the person appointed by the Government should be the Secretary of the Peace.

The independent person of recognised democratic trajectory and commitment to the peace process shall be appointed by the Secretary-General of the United Nations, by the procedure he deems most appropriate.

The representatives of the non-governmental organisations for human rights and the Mayan organisations shall be chosen by the organisations of each sector through an election process, to be convened and facilitated by the independent person appointed by the Secretary-General of the United Nations.

Constitution

The Foundation shall hold its constitutive meeting as soon as the members have been appointed.

Installation

The Foundation shall be fully installed and operational, at the latest, five months after having been initially integrated and constituted.

Period of operation

The Foundation shall have an initial operational period of three years from the date of its installation, which can be extended by Congress in view of advances made in the implementation of the recommendations.

Human resources:

The personnel shall be essentially Guatemalan, looking for qualified persons who have experience in the field of the investigation and defence of human rights.

Material resources:

The CEH has left instructions with UNOPS enabling the latter, in consultation with the donors to the CEH and on viewing the Foundation's draft budget and plan of operation, to determine the material resources and the computing and communications assets of the CEH to be transferred by UNOPS to the Foundation, by the way of a CEH donation.

National and international support

It is suggested that the Foundation seek both the national and international support necessary to achieve the aforementioned objectives.

VIII. Request to the United Nations

The CEH requests that the Secretary-General of the United Nations lend his support, through the United Nations Verification Mission in Guatemala (MINUGUA) and within the framework of the Mission's mandate, so that the recommendations laid out previously may be implemented and may achieve their objectives.

The CEH also requests that the Secretary-General appoint the Foundation's independent member and that, through the UN body deemed to be most appropriate, he establish an international mechanism to provide the Foundation with technical support and to channel donations from the international community.

Annexes

CHRONOLOGY OF EVENTS DURING THE ARMED CONFRONTATION IN GUATEMALA 1962-1996

Government	General Policies	Counterinsurgency Strategy and Practice	Social Movement	Insurgency [1]
1958-63 General Miguel Ydigoras Fuentes Elected 1956 Constitution in force	Populist and anti-communist discourse. Limited opening for new social organisations. Integration of the country to the Central American Common Market. Collaboration with the USA to invade Cuba. Government overwhelmed by accusations of corruption. 1962: military cabinet established.	Arrests, kidnappings, executions, military tribunals.	1962: Days of protest in March and April, social mobilisation against the Government, led by the student movement, provokes a political crisis for the Government of Ydigoras. Ebb in the movement after the repression of the protests. Some activists join the insurgent movement. Influx of foreign clergy possessing a missionary, anti-communist, reformist vision. Many of them, impacted by the poverty in the communities and subsequently influenced by the Second Vatican Council, took on the church's new social doctrine, working with a preferential option for the poor.	1962: Insurgent group MR-13 initiates military activity, persecution obliges them to retreat to Guatemala city to re-organise. December 1962: three small guerrilla groups unite with the PGT to establish the first FAR: Marco Antonio Yon Sosa is named commander-in-chief. Three focal points: Mico Mountains, Izabal; Granadilla, Zacapa; Sierra de las Minas, Zacapa (Guerrilla Front Edgar Ibarra, FGEI), Luis Turcios Lima, commander.
1963-66 Colonel Enrique Peralta Azurdia Coup d'état and Constitution abolished Fundamental Government Charter	National Security Doctrine. The militarization of the State developed as an institutional project of the Army. Infrastructure projects and industrialisation within the framework of the Central American Common Market. 1965: Constituent Assembly promulgates the new Constitution. 1966: Elections.	1963-67: Army develops intelligence apparatus and mechanisms of social control for the rural area: 1. Military commissioners, network of control and information on insurgent groups. 2. Number of army troops doubles. 3. Operating area of the Ambulatory Military Police is extended to include all rural areas. 4. Militarization of the Police. 5. Establishment of Army Civic Action programmes. 1965: First massacre of civilians in the eastern region of Guatemala. 1966: Case of the "28", massive forced disappearance of members of PGT and MR-13.	Catholic Action, organisation and public education in rural areas. Development of peasant leagues and co-operatives, growth of peasant organisations with salary and land demands. Since 1965, Maryknollers, Jesuits and other religious orders promote social awareness work with young people from the capital; creation of youth group, *Cristo*.	1964: Split of the first FAR. 1965: Second FAR is established with FGEI and PGT, distanced from MR-13. 1966: A conciliatory, unilateral, pre-election cease-fire; support for Julio César Méndez Montenegro's election campaign. 1966: The FAR kidnap three high State officials to pressure for the release of the "28".

1 Insurgent organisations are:
MR-13 (Revolutionary Movement November 13)
PGT (Guatemala Workers Party)
FAR (Rebel Armed Forces)
EGP (Guerrilla Army of the Poor)
ORPA (Organisation of People in Arms)

CHRONOLOGY OF EVENTS DURING THE ARMED CONFRONTATION IN GUATEMALA 1962-1996

Government	General Policies	Counterinsurgency Strategy and Practice	Social Movement	Insurgency
1966-70 Julio César Méndez Montenegro Elected 1965 Constitution in force	Pact with the Army which conditions the executive branch with regards to the National Security Doctrine. Discourse of "Third revolutionary government". Extension of agricultural frontiers in northern Guatemala. Failed attempt at tax reform.	Proliferation of death squads supported by right-wing sectors. 1966-68: Massacres aimed at disarticulating the peasant bases of the guerrillas in the eastern region; systematic policy of terror, with the participation of military commissioners, death squads and militarized police, rise in repression against leaders of FAR, MR13 and PGT. The first major insurgent movement suffers military defeat.	First settlement projects in Ixcán and Petén supported by the Catholic Church. 1968: Creation of the National Workers' Central (CNT), initially with a Christian Democrat orientation, that later would bring together the majority of the country's trade unions.	1966: Death of Turcios Lima in an accident that has yet to be clarified. 1966-68: Organisations disarticulated after repression in the eastern regions of the country and Guatemala City. Facing repression in the countryside, the FAR retreats to Guatemala City where they begin a selective campaign of kidnappings and murders. 1968: Break between FAR and PGT. 1968: Kidnapping and murder of the US ambassador, John Gordon Mein, by the FAR after their commander, Camilo Sánchez, is arrested. 1970: Kidnapping and murder of the German ambassador, Karl von Spreti, by the FAR.
1970-74 General Carlos Manuel Arana Osorio Elected 1965 Constitution in force	Counterinsurgency vision prevails. Support for the National Development Plan, with a State model that promotes public works and directs the economy. Promotion of industry and mining, especially nickel and petroleum.	A one-year state of siege, house by house searches in Guatemala City. Large scale selective terror, murders and disappearances of political leaders, trade union and student activists; massive forced disappearance of the Political Bureau of the PGT (1972).	1971: Assassination of Adolfo Mijangos López, opposition Congressman. 1973: Teachers' strike lasting several months. 1973-78: Growth and expansion of trade union activities.	Leadership crisis within the insurgency, some leaders leave for Mexico, others receive training in Cuba. 1970: Yon Sosa assassinated in Mexico.

CHRONOLOGY OF EVENTS DURING THE ARMED CONFRONTATION IN GUATEMALA 1962-1996

Government	General Policies	Counterinsurgency Strategy and Practice	Social Movement	Insurgency
1974-78 General Kjell Eugenio Laugerud Elected 1965 Constitution in force	General continuity of the model. Opening of broader political spaces permits growing social organisation. Greater impetus to agricultural land settlement projects in the north of Guatemala, especially in the Northern Transversal Strip. 1976: Limited capacity to respond to the disaster provoked by the earthquake reveals weaknesses of the political model.	Civic Action of the Army. 1974: Assassination of Huberto Alvarado, Secretary General of PGT. 1976-78: Selective repression in the Ixil area and in Ixcán, as well as in Guatemala City and the south coast. 1977: Assassination of Mario López Larrave, university professor and labour lawyer. 1978: Assassination of Father Hermógenes López. 1978: Massacre in Panzós, Alta Verapaz of q'eqchi' peasants who were making claims to land rights.	Indigenous movement takes shape. The first National Seminars are held, the National Indigenous Co-ordinator is created and the *Ixim* newsletter begins circulation. The rural co-operative movement grows, especially in Ixcán, Petén, Huehuetenango, the Central Highlands. 1976: After the earthquake, reconstruction groups are allowed to form, giving rise to considerable organisational growth in rural and urban areas. 1976: Creation of the National Committee of Trade Union Unity (CNUS), which in the coming years would include a wide range of organisations from the social movement. 1976-80: Intensification of social mobilisation, promoted by trade unions, peasant groups, secondary school and university students, slum dwellers, teachers and grassroots Christian communities, in the face of the growing repression and the lack of response to their demands. 1977: Miners from Ixtahuacán, Huehuetenango march to Guatemala City with labour demands; they join with trade unionists from the Pantaleón sugar mill and are met by 150,000 people in their support upon arriving in the capital. 1977: Funeral of López Larrave is one of the first that turns into a protest demostration. 1978: The Peasant Unity Committee, CUC, is created, the largest peasant organisation of the country after the 1954 counterrevolution.	EGP establishes its base in Ixcán, the Ixil area, the South Coast Area and Guatemala City; its first military actions take place in 1975, with the killing of a military commissioner and Luis Arenas, an important large landowner in the Reina Zone. ORPA establishes its base in the Sierra Madre Mountain Range, Coastal Plain and Guatemala City. FAR focuses its activities on Guatemala City and the establishment of a guerrilla column in Petén.

CHRONOLOGY OF EVENTS DURING THE ARMED CONFRONTATION IN GUATEMALA 1962-1996

Government	General Policies	Counterinsurgency Strategy and Practice	Social Movement	Insurgency
1978-82 General Romeo Lucas García Elected 1965 Constitution in force	Continuation of the model. Populist discourse as well as discourse on the violence caused by the "two extremes," with the government making an effort to control them both. Public investment in large infrastructure projects, embroiled in corruption scandals.	1978-80: Intense selective repression leads to loss of leaders for social movement and opposition political parties, selective assassinations of community leaders in rural areas. 1978: Assassination of Oliverio Castañeda de León, secretary general of the University Students Association (AEU). 1979: Assassinations of Alberto Fuentes Mohr and Manuel Colom Argueta, opposition politicians and social democrat leaders. Repression intensifies against priests, pastoral workers and catechists of the Catholic Church. 1980: Massacre at the Spanish embassy. 1980: Massive forced disappearance of trade union leaders at the headquarters of CNT and then Emaús retreat centre. 1981-82: Extensive counter-insurgency offensive begins: military operations aimed at dismantling insurgent structures in the capital and massive repression against civilians to destroy the social base of the guerrillas in rural areas. 1981: Organisation of the PAC begins.	1978: Urban transport strike, massive protests for several weeks. Creation of the Democratic Front against Repression. 1980: Strike of 70,000 agricultural workers on the plantations of the South coast area, led by CUC. 1980: CNUS calls for the overthrow of the Government. 1980: The diocese of Quiché is closed, due to the severe repression against it. 1981-82: Social movement is disarticulated by the repression.	1979: ORPA's first military action. 1979: PGT, FAR, EGP come together as a tripartite alliance and agree to activate all their forces. 1980:Guerrilla operations intensify in Guatemala City and in the rural areas; including executions and armed propaganda. Assassination of Enrique Brol, important land owner in the Ixil region. Assassination of Alberto Habie, president of CACIF. 1981: Maximum guerrilla activity in extensive areas of the country, including the occupation of municipal capitals, sabotage, road blockades, executions. Urban commando activity intensifies in Guatemala City, with attacks on police stations and extensive sabotage. 1982: URNG is created.

CHRONOLOGY OF EVENTS DURING THE ARMED CONFRONTATION IN GUATEMALA 1962-1996

Government	General Policies	Counterinsurgency Strategy and Practice	Social Movement	Insurgency
1982-83 Military triumvirate, subsequently, general Efraín Ríos Montt becomes Head of State Coup d'état and Constitution abolished Fundamental Government Statute	Total militarization of public administration. Corporate model imposed with Council of State. Moralising discourse. Support of evangelical churches. Failed attempt at global tax reform, VAT implemented.	Preparation and implementation of the National Security and Development Plan. 1982: Military plan *Victory 82*, massacres and scorched earth operations in communities in areas of confrontation; coverage of the PAC is extended. Courts of Special Jurisdiction.	Growth and expansion of evangelical sects. Massacres lead to large-scale displacements of people seeking refuge in Mexico, in the mountain areas of Guatemala, in Guatemala City and the south coast.	After the Army's 1982 offensive, the URNG retreats and concentrates on the areas where they originally established themselves. Adoption of a more defensive strategy aimed at wearing down the army.
1983-85 General Oscar Humberto Mejía Víctores Coup d'état Fundamental Government Statute continues	Militarised resettlement of displaced population. Implementation of a military project for political transition. 1984: National Constituent Assembly. 1985: New Constitution approved which includes the creation of the Human Rights Ombudsman and the Constitutional Court. 1985: Elections are held to return to constitutional rule.	Military plan *Firmness 83* seeks to achieve control of civilians population and strengthen the PAC. Model villages and development poles are organised to relocate and control displaced members of the population. Subsequent campaign plans: *Institutional Re-encounter 84* and *National Stability 85*, with strong political emphasis on directing the transition process. Selective repression of leaders of trade unions, student and human rights groups.	Internally displaced groups organise themselves as Communities of Population in Resistance (CPR) in Ixcán, the Ixil area and Petén. Partial political opening permits some social organisation, the Mutual Support Group is established, new trade union organisations are created.	Re-grouping of forces, little military activity. Efforts to recover grassroots support in different areas.

CHRONOLOGY OF EVENTS DURING THE ARMED CONFRONTATION IN GUATEMALA 1962-1996

Government	General Policies	Counterinsurgency Strategy and Practice	Social Movement	Insurgency
1986-90 Vinicio Cerezo Arévalo Elected 1985 Constitution in force	Promotion of a negotiated solution to the confrontation. 1987: First Government-URNG conversation, in Spain. Political opening. 1987-1989: Repeated coup attempts erode government's power. Creation of the National Reconciliation Commission, presided over by Monsignor Rodolfo Quezada Toruño. Failed attempt at tax reform. Concertation policy for national problem solving.	National Stability Project, promoted by a sector of the Army, seeks new insertion of the Army into society. Military operations focus on and the ORPA and EGP guerrilla fronts the CPR. Selective repression of political and social activists. Efforts to maintain the central role of the Army in defining state policies. Process of Government - URNG rapprochement seen with reservation. Attempt to achieve URNG surrender through negotiation. Santiago Atitlán massacre; population demands that the Army withdraw its presence.	Social mobilisation focuses on land, the rights of the Mayan people, the return of refugees, the fight against impunity and for human rights. 1989: 13 week teachers' strike supported by other state trade unions. About 70,000 workers walk out. 1990-1991: URNG meetings with different sectors of civil society to promote the peace process. 1990: The CPR become public.	1987-91: URNG increases its offensive capacity and deploys forces in new areas. 1987-92: Participation in peace conversations and dialogue, essentially as a tactic to wear down the regime. Since 1989 attacks are aimed at the agro-exporting sector.
1991-93 Jorge Serrano Elías Elected 1985 Constitution in force	Dialogue with URNG continues. Corruption crisis in the Congress. 1993: Serrano's auto-coup d'état provokes a constitutional crisis.	Basic continuation of previous period.	1992: New impetus to the Mayan movement, after Rigoberta Menchú Tum is awarded the Nobel Peace Prize. 1992: The 8 October Accords are signed between the Government and refugee representatives, defining the conditions for their collective return from Mexico. 1993: With Serrano's auto-coup, the National Commission for Consensus is created to demand respect for the constitutional order; this brings together political parties, CACIF, trade unions, Mayan organisations and other sectors of the civil society.	Basic continuation of the previous period.

CHRONOLOGY OF EVENTS DURING THE ARMED CONFRONTATION IN GUATEMALA 1962-1996

Government	General Policies	Counterinsurgency Strategy and Practice	Social Movement	Insurgency
1993-95 Ramiro de León Carpio Appointed by the Congress 1985 Constitution in force	1994: Global Accord on Human Rights is signed. MINUGUA is established Return to peace negotiations with the United Nations as moderator. 1994: Accord signed for the establishment of the Commission for Historical Clarification. 1995: Accord signed on the Identity and Rights of Indigenous Peoples.	Pressure on returnees and displaced persons continues. 1995: Massacre of Xamán, a community of returnees.	1993: First collective return of refugees from Mexico, 20 January. 1994: Assembly of the Civil Society formed with 13 sectors of civil society represented, to contribute proposals to the parties in the peace negotiations; CACIF decides not to participate.	1993: Recognition of negotiation as the only way out of the confrontation.
1996- Alvaro Arzú Irigoyen Elected 1985 Constitution 1985 in force	Strong impetus given to negotiation process. 29 December 1996: Accord for Firm and Lasting Peace is signed.			October 1996: Crisis in the negotiation provoked by the kidnapping of Olga Novella by an ORPA unit.

PRESIDENTIAL PERIODS 1900 TO 1996

Period	Duration	Name of President	Type of Government	How it ended
1898 to 1920	22 years	Manuel Estrada Cabrera	Dictatorship	The Assembly declared him unfit to govern
8 April 1920 to 5 December 1921	1 year 8 months	Carlos Herrera	Provisional government, appointed by the Assembly	Coup d'etat
1921 to 26 September 1926	6 years	General José María Orellana	De facto, subsequently elected	Death
26 December 1926 to 10 December 1930	4 years	General Lázaro Chacón	Appointed first, then elected	Death
10 to 15 December 1930	6 days	Baudilio Palma	Appointed	Putsch
15 December 1930 2 January 1931	19 days	General Manuel Orellana		Putsch
2 January 1931 to 14 February 1931	6 weeks	José María Reyna Andrade	Appointed by the Assembly	Elections
14 February 1931 1 July 1944	13 years	General Jorge Ubico Castañeda	Elected and then became Dictatorship	Resigned
1 to 4 July 1944	4 days	Generals Federico Ponce Vaides, Buenaventura Pineda and Eduardo Villagrán Ariza	Triumvirate imposed by Jorge Ubico	Decision of Assembly
4 July to 20 October 1944	4 months	General Federico Ponce Vaidez	Appointed by the Assembly. Temporary president, sought election.	Overthrown by the October Revolution
20 October 1944 to 15 March 1945	5 months	Major Francisco Javier Arana, Captain Jacobo Arbenz Guzmán and Jorge Toriello Garrido (civilian)	Revolutionary Government Junta	After holding elections, power is handed over to the president elect
15 March 1945 to 14 March 1951	6 years	Juan José Arévalo	Elected	Elections, end of presidential term
15 March 1951 to 27 June 1954	3 years	Colonel Jacobo Arbenz Guzmán	Elected	Resigned

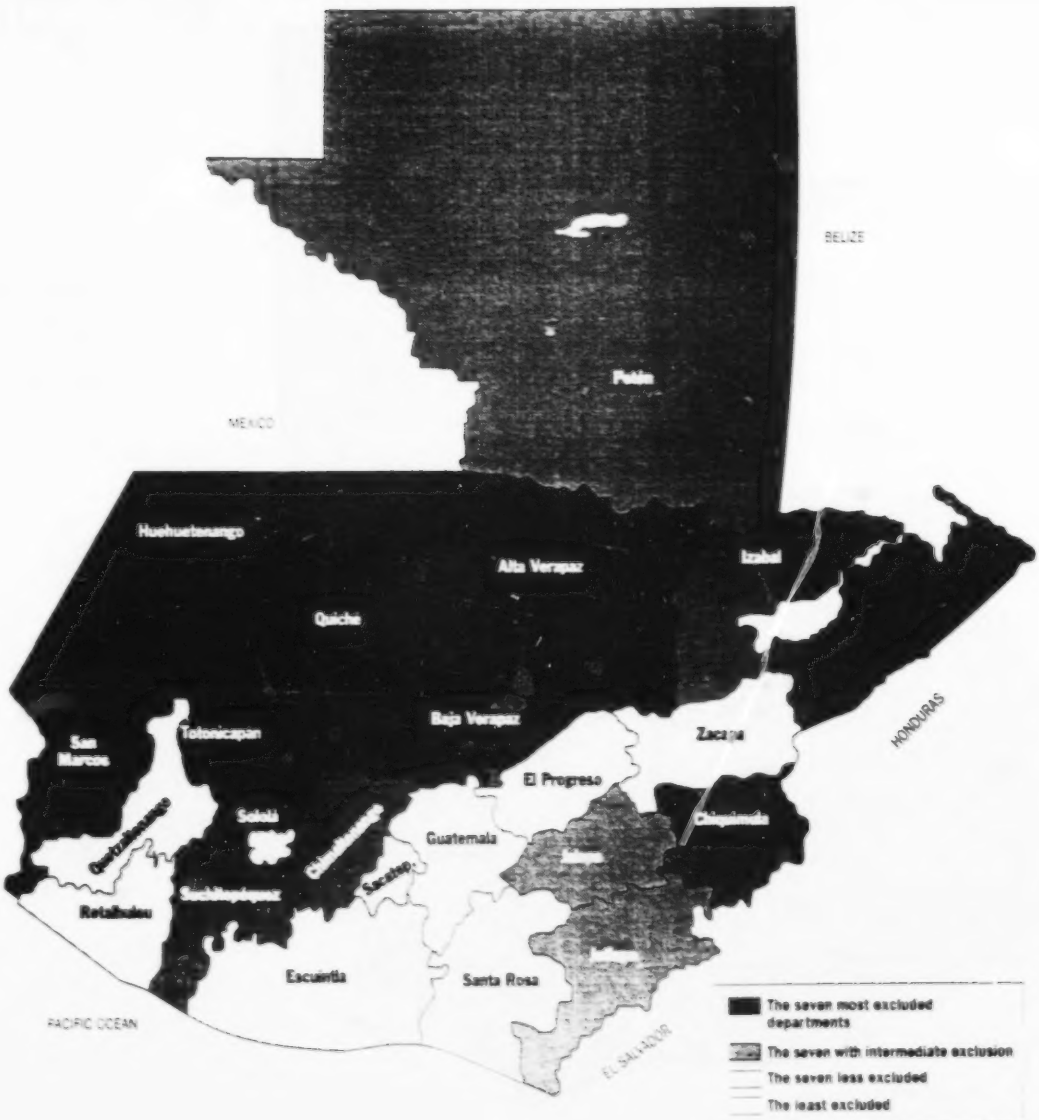
PRESIDENTIAL PERIODS 1900 TO 1996

Period	Duration	Name of President	Type of Government	How it ended
28 to 29 June 1954	2 days	Colonels Carlos Enrique Díaz, Ellego H. Monzón and José Angel Sánchez	First Military Junta named by Arbenz	A new Junta was formed
29 June to 3 July de 1954	5 days	Colonels Ellego H. Monzón, José Luis Cruz Salazar and Mauricio Dubois	Second Military Junta	A new Junta was formed
3 to 7 July 1954	5 days	Colonel Ellego H. Monzón, President; Colonels Carlos Castillo Armas, Luis Cruz Salazar and Mauricio Dubois, Major Enrique Trinidad Oliva	Third Military Junta	A new Junta was formed
7 July to 1 September 1954	2 months	Colonels Carlos Castillo Armas, Ellego H. Monzón and Major Enrique Trinidad Oliva	Fourth Military Junta	Resigned in favour of Castillo Armas
1 September 1954 to 26 July 1957	11 months	Colonel Carlos Castillo Armas	Government of the National Liberation Movement. De facto, subsequent plebiscite	Assassinated
27 July 1957 to 23 October 1957	3 months	Luis Arturo González López	Appointed by Congress	Coup d'état
23 to 26 October 1957	4 days	Colonels Oscar Mendoza Azurdia, Roberto Lorenzana Salazar and Gonzalo Yurrita Nova	Military Junta	Congress appoints second in line
26 October 1957 to 15 March 1958	4 months	Colonel Guillermo Flores Avendaño	Appointed by Congress	Elections
March 1958 to March 1963	5 years	General Miguel Ydigoras Fuentes	Elected	The Assembly declared him unfit Coup d'état
March 1963 to July 1966	3 years	Colonel Enrique Peralta Azurdia	De facto	Elections

PRESIDENTIAL PERIODS 1900 TO 1996

Period	Duration	Name of President	Type of Government	How it ended
July 1966 to June 1970	4 years	Julio César Méndez Montenegro	Elected	Elections, end of presidential term
July 1970 to June 1974	4 years	Colonel Carlos Manuel Arana Osorio	Elected	Elections, end of presidential term
July 1974 to June 1978	4 years	General Kjell Eugenio Laugerud García	Elected	Elections, end of presidential term
July 1978 to March 1982	3 years 9 months	General Romeo Lucas García	Elected	Coup d'état
March to June 1982	3 months	General Efraín Ríos Montt, General Horacio Egberto Maldonado Schaad, Colonel Francisco Luis Gordillo Martínez	Military Junta	Junta was dissolved and Ríos Montt became president
June 1982 to August 1983	1 year 2 months	General Efraín Ríos Montt	De facto	Change of military command
August 1983 to January 1986	2 years 5 months	General Oscar Mejía Víctores	De facto	Elections
January 1986 to January 1991	5 years	Vinicio Cerezo Arévalo	Elected	Elections, end of presidential term
January 1991 to June 1993	2 years	Jorge Serrano Elías	Elected	Dismissed
June 1993 to December 1995	2 years 7 months	Ramiro de León Carpio	Transitory Government appointed by Congress	Elections
January 1996		Alvaro Arzú Irigoyen	Elected	Period ends in the year 2000

MAP OF SOCIAL EXCLUSION, 1996

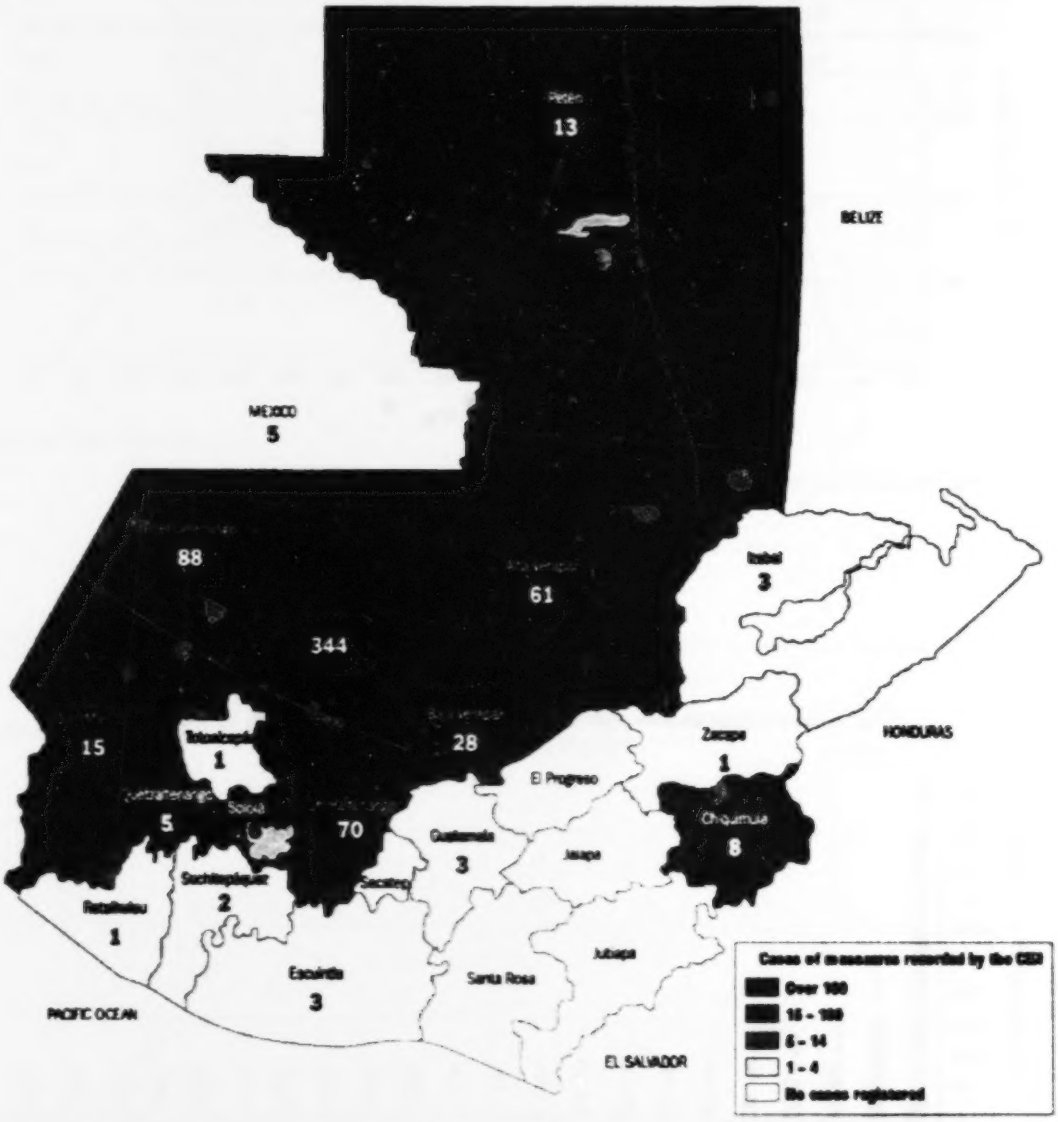


SOURCE: United Nations Development Programme, *Guatemala: The Challenge of Human Development* (Guatemala, 1998), p.16. The index of exclusion is calculated on the basis of the following indicators: deaths before the age of 40; adult literacy; malnutrition in children under 5 years of age and accessibility to certain basic services.

LINGUISTIC COMMUNITIES OF GUATEMALA

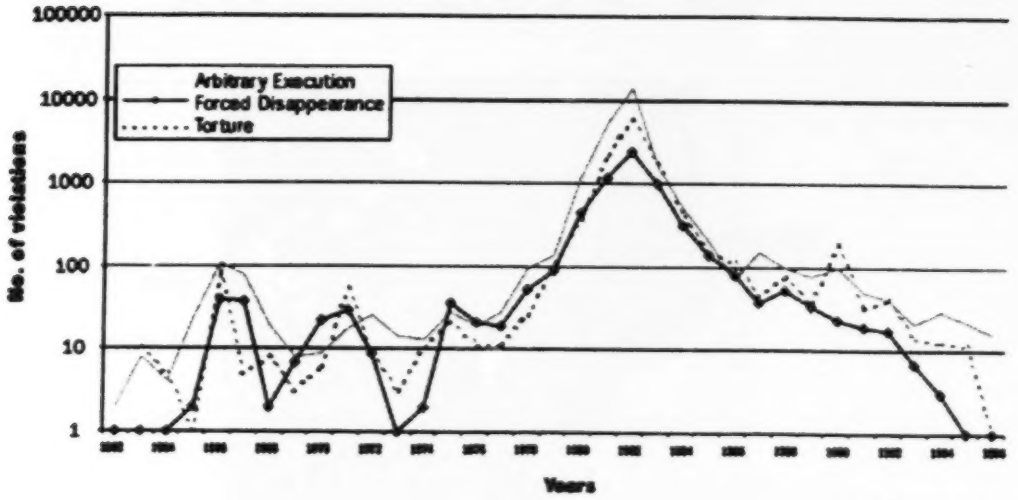
SOURCE: BEST Project 520-0374, USAID – Guatemala

NUMBER OF MASSACRES BY DEPARTMENT



SOURCE: CEH Database, total number of massacres - 669 cases - perpetrated by all responsible forces.

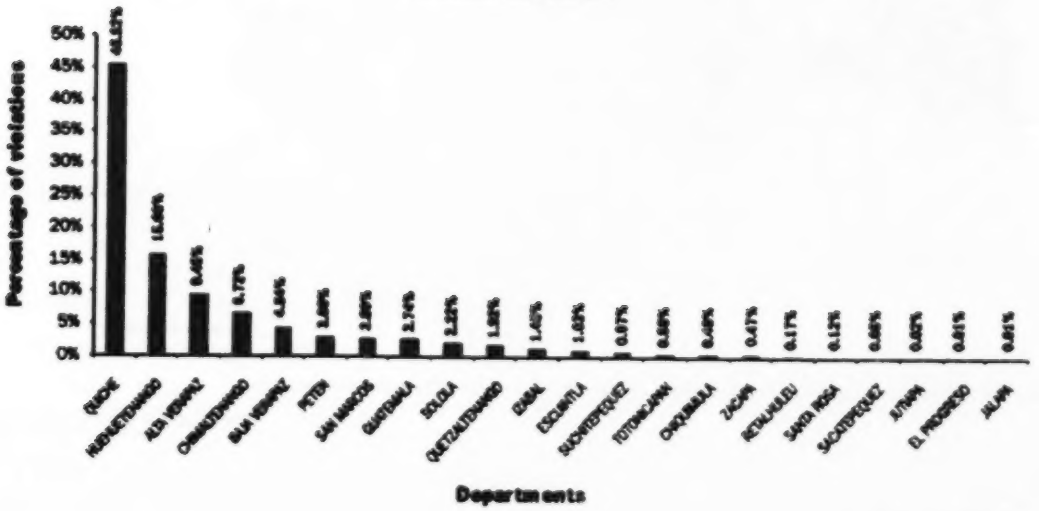
Principal human rights violations and acts of violence
GUATEMALA (1962-1996)



SOURCE: CEH Database

NOTE: The lines of the vertical scales – number of violations – follow a progression of multiples of ten.

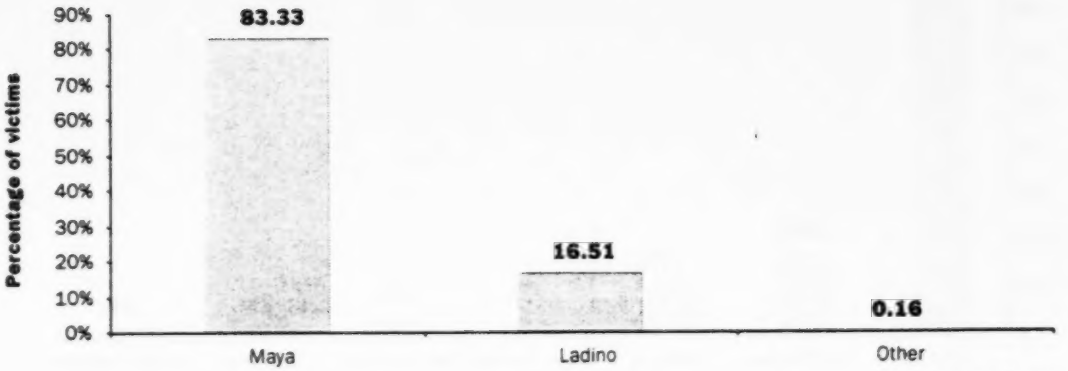
Total percentage of human rights violations and acts of violence, by department
GUATEMALA (1962-1996)



SOURCE: CEH Database

Percentage of identified victims by ethnic group

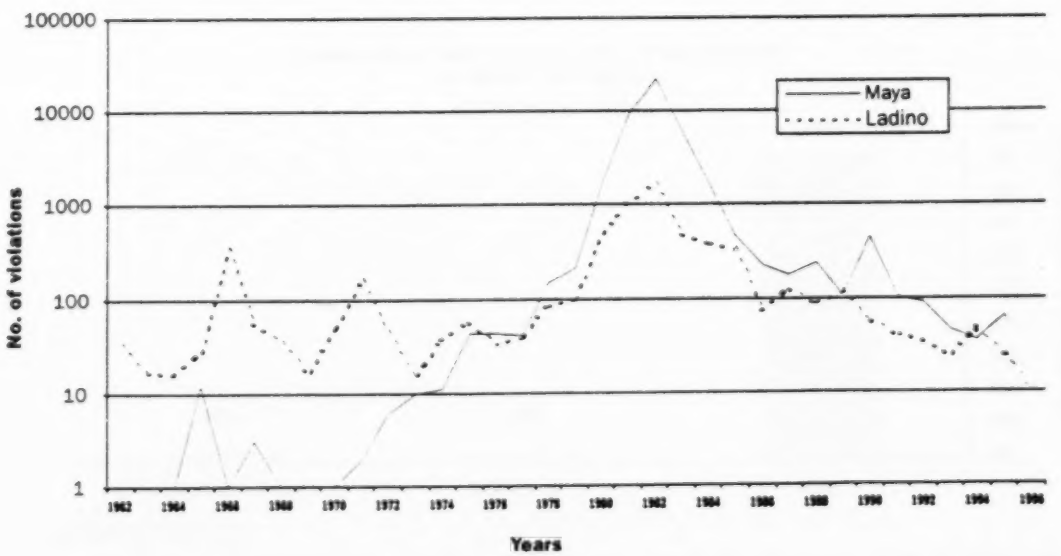
GUATEMALA (1962-1996)



SOURCE: CEH Database

Total number of human rights violations and acts of violence, by ethnic group

GUATEMALA (1962-1996)

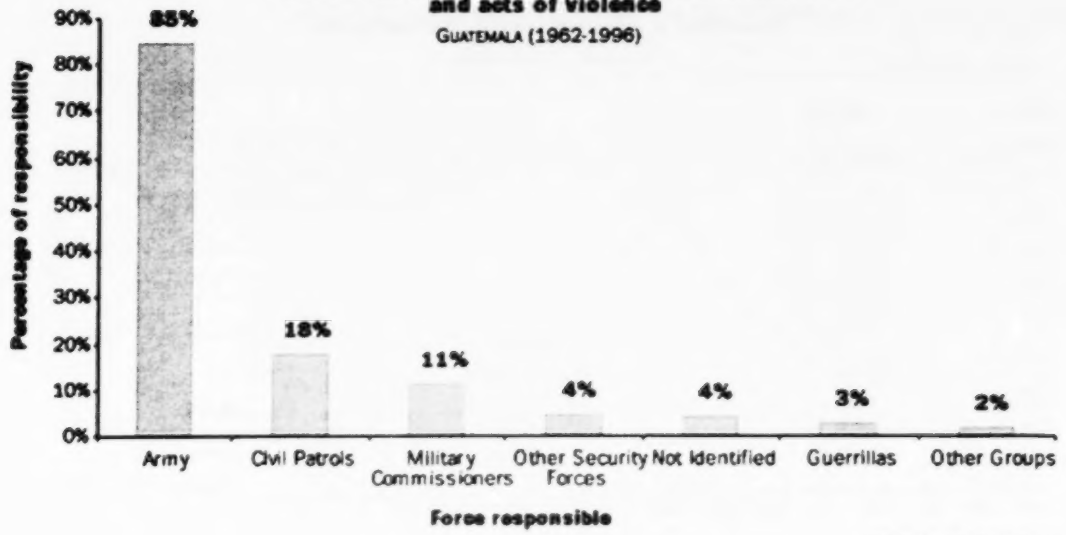


SOURCE: CEH Database

NOTE: The lines of the vertical scales – number of violations – follow a progression of multiples of ten.

Forces responsible for human rights violations and acts of violence

GUATEMALA (1962-1996)

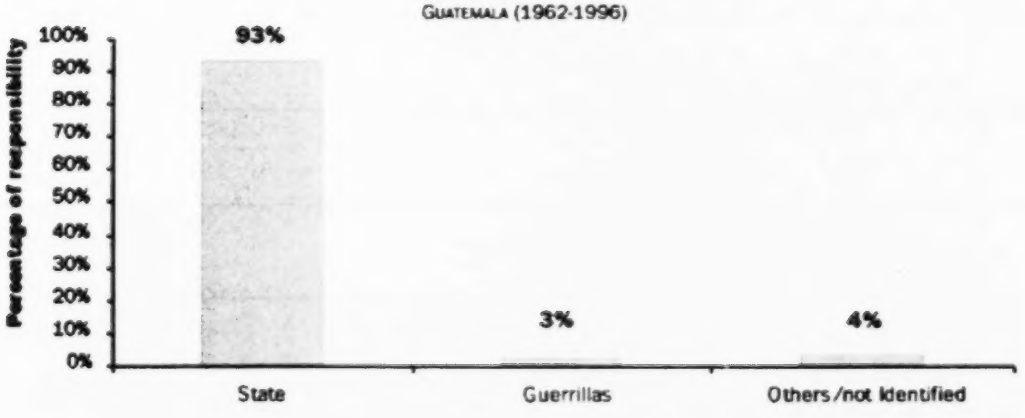


SOURCE: CEH Database

The columns indicate the percentage of responsibility by different groups, whether acting alone or in conjunction with other forces, with regard to the total number of human rights violations and acts of violence committed. Consequently, the "Army" category accounts not only for the violations committed by this force when acting alone, but also for those committed in conjunction with Civil Patrols, military commissioners, death squads or other members of State security forces. In the same way, the "Civil Patrol" category records the violations committed by its members, acting alone or together with another force. This logic holds true for all of the categories, therefore the sum total of the percentages is greater than 100.

Responsibility for human rights violations and acts of violence

GUATEMALA (1962-1996)



SOURCE: CEH Database

The categorisation of group responsibility yields the following data: 93% rests with agents of the State, including in this category the Army, security forces, Civil Patrols, military commissioners and death squads; 3% rests with the guerrillas; the remaining 4% rests with other unidentified armed groups, civilian elements and other public officials.